



AUSTRALIAN RECORDING  
INDUSTRY ASSOCIATION

# **CODE OF PRACTICE**

**For**

**ARIA Charts**

**September 4, 2006**

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## 1. THE ARIA CHARTS & THE ARIA CHARTS CODE OF PRACTICE - OVERVIEW

### ARIA Charts Code of Practice

- 1.1. The ARIA Charts Code of Practice has been developed to help ensure a clear, consistent and fair approach to the operation of the ARIA Charts. This approach includes Eligibility Rules, Data Rules and other rules designed to facilitate the efficient production of the Charts and to minimise the chance of uncertainty and disputes. The system has been designed to maximise the integrity and accuracy of the Charts by excluding ineligible and inaccurate data.

### What are the ARIA Charts?

- 1.2. The ARIA Charts track the popularity of recorded music in Australia. They include the National Albums Chart and the National Singles Chart. A list of all charts produced is shown at 1.3. They are published weekly and can be viewed at the ARIA Charts website ([www.ariacharts.com.au](http://www.ariacharts.com.au)) and accessed via [www.aria.com.au](http://www.aria.com.au).

- 1.3. The current ARIA Charts available on the website are:

- *National Singles Chart (Top 50)*
- *National Albums Chart (Top 50)*
- *Digital Track Chart (Top 40)*
- *Physical Singles Chart (Top 50)*
- *Dance Albums Chart (Top 20)*
- *Country Albums Chart (Top 20)*
- *Compilation Albums Chart (Top 20)*
- *Australian Artist Singles Chart (Top 20)*
- *Australian Artist Albums Chart (Top 20)*
- *Club Chart (Top 50)*
- *Urban Singles Chart (Top 40)*
- *Urban Albums Chart (Top 40)*
- *Music DVD Chart (Top 40)*

The Charts contained in the weekly ARIA Report (available to subscribers) are:

- *Australian Singles Chart (Top 100)*
- *Australian Albums Chart (Top 100)*
- *Australian Artist Singles Chart (Top 20)*
- *Australian Artist Albums Chart (Top 20)*
- *Digital Track Chart (Top 40)*

- *Urban Singles Chart (Top 40)*
- *Urban Albums Chart (Top 40)*
- *Club Chart (Top 50)*
- *Hitseekers Chart*
- *Country Albums Chart*
- *Classical Albums Chart*
- *Jazz & Blues Albums Chart*
- *DVD Chart*

- 1.4. The aim of the ARIA Charts is to reflect and inform consumer choice in a dynamic way.
- 1.5. All except one of the ARIA Charts are based on retail recorded music sales within Australia from a broad sample of music retailers across the country. The exception is the ARIA Club Chart, which is based on reports by working club DJs across Australia. None of the ARIA Charts are based on or contain any radio airplay information. For further information on the ARIA Club Chart see the separate ARIA guide, **ARIA CLUB CHART**.
- 1.6. ARIA Charts are reviewed from time to time to ensure continued relevance. Consideration of the introduction of new charts, or the discontinuation of others, is managed by the ARIA Chart & Marketing Committee.

#### **ARIA Charts Eligibility**

- 1.7. General Eligibility Rules are set out in Section 2 of this Code of Practice. Specific eligibility Rules for each particular Chart are set out in Schedule 2.
- 1.8. ARIA membership is not a prerequisite for the inclusion of specific releases in the ARIA Charts, but is encouraged. Record Suppliers who are not currently members of ARIA are invited to apply for membership (there are membership levels to suit all). A copy of an application form and associated material will be sent upon request or can be accessed from the Member section of the ARIA website ([www.aria.com.au](http://www.aria.com.au)). If you are interested in becoming a member, please contact the ARIA office on 02 8569 1144 or at [aria.mail@aria.com.au](mailto:aria.mail@aria.com.au). ARIA member companies are listed on the ARIA website ([www.aria.com.au](http://www.aria.com.au)).
- 1.9. Any disputes about eligibility are subject to a dispute resolution process (see Section 4 of this Code of Practice).

#### **ARIA Charts Data**

- 1.10. Other than the ARIA Club Chart (see 1.12 below) and the ARIA Digital Track Chart, the ARIA Charts depend upon the supply of relevant and accurate data by Record Suppliers and Information Providers. Information about product releases is supplied by Record Suppliers with a request that the product releases be surveyed in the Charts (see Schedule 4). The Record Suppliers include but are not limited to ARIA member companies. Retail sales information about the Products surveyed in the Charts is supplied by a sample of retail stores throughout Australia on the basis of their computerised point-of-sale sales information. The retail stores that supply retail sales information to ARIA in accordance with our agreement with them are called Information Providers. Information supplied by Record Suppliers and Information Providers is regulated by this Code of Practice, including the Data Rules in Section 3.

- 1.11. The full list of ARIA Information Providers is available on the ARIA website ([www.aria.com.au](http://www.aria.com.au)). If you are a recorded music retailer selling Products in Australia, and are interested in obtaining information on becoming an Information Provider, please contact the ARIA Chart Department on (02) 8569 1155. Please note that not all applications will necessarily be successful, but may depend on the existing sample size and the potential for the additional information to improve the accuracy of the Charts.
- 1.12. The ARIA Club Chart is compiled from reports submitted by a panel of active DJs in clubs across Australia. The DJs panel is administered by a committee of dance music specialists. This Chart is not covered by this Code of Practice. For further details see the separate ARIA guide, **ARIA CLUB CHART**.
- 1.13. The ARIA Digital Track Chart is compiled from sales information received from participating digital retailers. This Chart is not covered by this Code of Practice. For further details see the separate ARIA guide, **ARIA DIGITAL TRACK CHART**, which is appended to this Code.

The ARIA Charts reflect a wide sample of consumer preferences at the time the relevant information is collected. Although the system is designed to ensure accuracy of all data, as chart calculations are based on sample data (i.e. not all stores across the country) it is important to note that the results published remain an approximation of sales during the relevant period.

#### **How the ARIA Charts are Prepared**

- 1.14. This is an overview of how the ARIA Charts are prepared:
  - Record Suppliers advise ARIA of product released, and the items they wish to be surveyed on particular charts (eg National singles chart, or Classical chart). They also advise ARIA of any particular promotional activity (eg in-store/promotional appearances by an artist) that might be happening in a specific store or group of stores. Record Suppliers also advise ARIA of any product that is issued with multiple catalogue numbers so that, where appropriate, the sales for those products can be combined for chart calculation purposes (eg standard version and limited edition tour release).
  - ARIA receives electronic file submissions from participating retailers (Information Providers) covering the chart week. A list of Information Providers can be found on ARIA's chart website.
  - ARIA performs diagnostic tests on the data, to isolate any anomalies or corrupted data, check that abnormal sales patterns that are observed in relation to a single retailer or series of retailers can be explained (eg resulting from an in store appearance), and that significant sellers have not been omitted from survey. Where necessary, we contact the relevant retail outlet or record supplier for further information, clarification or supply of data as the case may be.
  - If an abnormal pattern of sales within a store's file submission cannot be adequately explained, all the sales data for that particular outlet will be discarded and not included in the calculation for that week.
  - ARIA undertakes a weighting process on the total recorded music sales data. The weighting process seeks to represent, as closely as possible, the total Australian retail sales for each product each week. This weighting process is based on the wholesale sales shipments by major record companies to all music retailers in Australia. Separate weighting tables are produced for albums and singles. Weighting factors are adjusted from week to week to reflect the sample size of each given week.

- If a file contains sales for particular products which were the subject of specific promotional activity (eg in store appearance) in that store during that week, the sales relating to that particular activity are flagged to ensure they are not 'weighted' during the chart calculation process.

This is an overview of the chart preparation procedure only. Full details on the procedure are set out in Section 2 and following of this Code of Practice.

### **ARIA Report and ARIA Chart Statistics**

1.15. The ARIA Report and ARIA Chart Statistics are available on the following basis:

- Information Providers are entitled to: (a) a complimentary subscription to the ARIA Chart Report (via email); and (b) complimentary access to the ARIA Chart statistics on ARIA's web-site if they enter into a confidentiality agreement;
- ARIA Members are entitled to a complimentary subscription to the ARIA Chart Report (via email);

The ARIA Chart Report is available to anyone by subscription (see ARIA's website for details). Any organization may become a subscriber to the ARIA Chart statistics on ARIA's web-site, subject to paying a fee and executing a confidentiality agreement.

### **Agreements Implied by Participating in an ARIA Chart**

- 1.16. ARIA requires that Record Suppliers and Information Providers comply with the ARIA Charts Code of Practice as a condition of contributing data to any ARIA Chart. Participation by any Record Supplier or retail store in the ARIA Charts is taken by ARIA as full acceptance of and willingness to comply with all provisions of the Code of Practice, including the Eligibility Rules, the Data Rules and the rules relating to the consequences of non-compliance with the Code of Practice.
- 1.17. Any Record Supplier that participates in the ARIA Charts by requesting that a Product be surveyed in the Charts is taken to authorise ARIA to use any and all information supplied by the Record Supplier for the purpose of, or in connection with, the preparation, promotion or publication of the Charts and related data and statistics.
- 1.18. Any Information Provider that participates in the ARIA Charts by supplying data about its retail sales is taken to authorise ARIA to use any and all information supplied for the purpose of, or in connection with, the preparation, promotion or publication of the Charts and related data and statistics.

### **Administration of the ARIA Charts**

- 1.19. The ARIA Chart Department is responsible for the day-to-day management of the ARIA Charts, including the interpretation and application of the Eligibility Rules and the Data Rules, the collation of data and the production of the Charts. The Chart Department operates under the general direction of the ARIA Chart & Marketing Committee. The Committee may consult independent relevant industry experts as it sees fit in order to assist in ensuring the relevance and accuracy of various Charts. Any changes to the Code of Practice are at the direction of that Committee.

## **ARIA Gold and Platinum Accreditation Awards**

- 1.20. ARIA Gold and Platinum Accreditation Awards are awarded to titles released by ARIA Member Companies for achieving high wholesale sales levels within Australia of Singles, Albums and Audio Visual (DVD/VHS Music Videos)\_Products. For further details see the separate ARIA guide, **ARIA GOLD AND PLATINUM ACCREDITATION AWARDS**.

## **2. ARIA CHARTS ELIGIBILITY – GENERAL ELIGIBILITY RULES**

- 2.1. All recorded music product offered for sale within Australia is eligible for inclusion in the ARIA Charts, subject to this Code of Practice. Record Suppliers in Australia are encouraged to advise ARIA of new recorded music releases as they occur by using the Chart Survey Request form set out in Schedule 3. Information Providers currently identify products by the provision of relevant barcode and/or catalogue numbers. As a result, product sales are unlikely to be identified unless ARIA receives advance notification of product details, including bar code and catalogue number information.
- 2.2. A Product will only be eligible for inclusion in an ARIA Chart if it is:
- a) commercially available to a majority of retail stores in Australia dealing in recorded music, and
  - b) free from any exclusive dealing arrangements. (Although it is not necessary that an Information Provider stocks either all or even a broad selection of Product commercially available).
- 2.3. A Product is not eligible for inclusion in an ARIA Chart unless the Record Supplier makes a written request to ARIA in accordance with the Data Rules (see Section 3). The request will specify the date from which the chart survey is to commence. Sales prior to that date or outside any charting period will not be included in the calculation of charts in that period and cannot be carried forward or transferred into any other charting period.
- 2.4. ARIA will not include any product in any genre chart without a specific written request (survey request) from the supplier. To be added to the survey for a particular genre chart, the Product must meet the specific eligibility rules for that chart.
- 2.5. A Product can only be surveyed in one Genre Chart at a time.
- 2.6. No Product can simultaneously appear in both the Albums Chart and the Compilation Albums Chart.
- 2.7. A Product that is attached to, or packaged together with, another Product is ineligible for inclusion in an ARIA Chart unless it is an Eligible Packaged Product.
- 2.8. A Record Supplier may withdraw any Product from a Genre Chart by submitting an amended written survey request to the ARIA Chart Department in accordance with the Timetable (see Schedule 4). Such amendment will only be reflected in charts calculated subsequent to receipt of the notice.
- 2.9. In the event of doubt regarding the eligibility of any Product, a Record Supplier may make a written request and ask for a ruling on eligibility by the ARIA Chart Department. The ARIA Chart Department will make a ruling and communicate the decision to the applicant. If the applicant is dissatisfied with the ruling, the provisions of Section 4 of this Code will apply.

### **3. DATA RULES**

#### **Record Suppliers**

- 3.1. A Product will not be surveyed for an ARIA Chart unless a Record Supplier makes a written request in the form prescribed under Schedule 3 (Chart Survey Request).
- 3.2. A Chart Survey Request will not be considered by ARIA unless all the information specified on the prescribed form is supplied and the request complies in all other respects with this Code of Practice. For example, a Chart Survey Request needs to be made in accordance with the Timetable (see Schedule 4). Survey Requests cannot operate or be applied retrospectively.
- 3.3. A Record Supplier (or an Information Provider) must notify the ARIA Chart Department in writing of any in-store promotion or other promotion likely to have a significant effect on the sales level at any outlet of any Product to be charted. Notification must be given at least five days before the event or promotion. The purpose of notification is to enable the Chart Department to:
  - a) understand the pattern of retail sales when checking for anomalies, and
  - b) correctly apply the weighting methodology used in preparing the ARIA Charts.

If an abnormal pattern of sales within a store's file submission cannot be adequately explained, all the sales data for that particular outlet will be discarded and not included in the calculation for that week

- 3.4. ARIA will produce the Charts in accordance with the Timetable set out in Schedule 4. Record Suppliers who do not supply the notifications and information required in accordance with the Timetable may run the risk that:
  - a) relevant Products are excluded, or
  - b) Products are incorrectly included (eg where survey amendment requests are not submitted in line with the Timetable) in the Chart.
- 3.5. ARIA requires all Record Suppliers in relation to any information given to ARIA in connection with the ARIA Charts OR otherwise relevant to the operation of the ARIA Charts, to:
  - a) comply with this Code of Practice, including the Data Rules;
  - b) act honestly and lawfully;
  - c) avoid any conduct that is likely to be misleading or deceptive;
  - d) exercise reasonable care to ensure all information supplied is accurate; and
  - e) co-operate with ARIA by promptly answering requests for further relevant information by ARIA, including requests made for the purpose of auditing compliance with the Code of Practice.

ARIA has designed its systems and procedures to minimise or avoid the possible impact of any breaches of the above obligations on the integrity and accuracy of the Charts.

#### **Information Providers**

- 3.6. If qualified to participate in the ARIA Charts as Information Providers, retail stores are required to enter into an ARIA Information Provider Agreement with ARIA. Information Providers must also comply with this Code of Practice.

- 3.7. Retail stores wishing to become Information Providers must first contact ARIA ([charts.mail@aria.com.au](mailto:charts.mail@aria.com.au)). Data file structure, transmission protocols and other specifications are available upon request. The intending Information Provider's data reporting capability will then be tested (currently over 4 weeks). ARIA will not enter into an Information Provider Agreement unless the results of this testing are satisfactory.
- 3.8. To qualify and remain qualified as an Information Provider, a retail store must be capable of monitoring and recording all of their eligible sales (genuine sales to actual consumers) through an electronic point of sale computer. Information Providers must electronically track and transmit to ARIA **all** of their Product sales to consumers preferably daily, but no less frequently than weekly, in accordance with the Timetable. Failure to scan and transmit all sales will result in the Information Provider being suspended from participation in the ARIA Charts unless and until it satisfies ARIA that it is tracking every sale electronically and in compliance with this requirement.
- 3.9. Multiple sales (more than three copies of a title purchased by a single customer at any one time) are ineligible for inclusion in the ARIA Charts.
- 3.10. Information Providers must notify ARIA of in-store promotions (eg artists appearing, signing stock, or performing in or near the store) or other promotional activity likely to have a significant effect on the sales at any outlet of any Product. Notification must be made to ARIA by the Information Provider and/or the Record Supplier at least five days before the event or promotion; see the Timetable in Schedule 4. Failure to inform ARIA of the activity will result in exclusion of the particular store's sales file from the chart calculation for that chart period.
- 3.11. Sales cannot be carried over from the week in which they are made into a subsequent week or any other reporting period. Any breach of this rule will result in the exclusion of all sales data from that retailer for that week. A common Chart week applies to all Information Providers. At present the common Chart week runs from commencement of trading each Saturday through to the cessation of trading each Friday, but this is subject to change at the discretion of ARIA.
- 3.12. If an Information Provider fails to transmit sales data for a period of 10 consecutive weeks or more, it will be deemed to be inactive, and may have its Information Provider Agreement terminated at ARIA's discretion. Termination of the Agreement will result in loss of rights (eg access to the ARIA Charts and statistics on ARIA's website) and removal from the list of Information Providers. Information Providers who are unable to submit files for any period should contact ARIA at [charts.mail@aria.com.au](mailto:charts.mail@aria.com.au).
- 3.13. Information Providers are to supply retail sales information about all recorded music product sales to the ARIA Chart Department each and every week. Data requirements are available from MMS upon request and Information Providers should liaise with MMS about those requirements. Information Providers must provide data only from their Point of Sale systems and ensure that the data for sales within the relevant sales period reaches ARIA in the required format by PD -1 (Chart calculation day - see the Timetable in Schedule 4).
- 3.14. The only sales included in chart calculation are Qualifying Retail Sales of Product.
- 3.15. Information Providers are required to comply with the Timetable in Schedule 4.
- 3.16. ARIA has an ARIA Information Provider Agreement with each Information Provider. This Agreement sets out the obligations of ARIA and the Information Provider. Information Providers have a duty in relation to any information given to ARIA in connection with the ARIA Charts or otherwise relevant to the operation of the ARIA Charts, to:
  - a) comply with this Code of Practice, including the Data Rules;
  - b) act honestly and lawfully;

- c) avoid any conduct that is likely to be misleading or deceptive;
- d) exercise reasonable care to make any information supplied accurate;
- e) co-operate with ARIA by promptly answering requests for further relevant information by ARIA, including requests made for the purpose of auditing compliance with the Code of Practice; and
- f) avoid attempting to seek any Collateral Advantage from the fact of participation in the ARIA Charts as an Information Provider.

ARIA has designed its systems and procedures to minimise or avoid the possible impact of any breaches of the above obligations on the integrity and accuracy of the Charts.

## **ARIA**

3.17. ARIA is responsible for:

- a) collating information from Record Suppliers about Products to be considered for Chart survey;
- b) collecting information from Information Providers about Qualifying Retail Sales;
- c) processing, analysing and weighting the information collected for the purpose of preparing the ARIA Charts;
- d) publishing the ARIA Charts and associated statistics weekly;
- e) administering the Eligibility Rules and the Data Rules; and
- f) managing any third party assistance with the collection, processing or weighting of data.

3.18. After receiving a Chart Survey Request by a Record Supplier in the form prescribed in Schedule 3, ARIA will confirm to the Record Supplier the Products to be surveyed in the next Chart Cycle and will do so in accordance with the Timetable (see Schedule 4).

3.19. ARIA will assist Record Suppliers to check information about a Product included or to be included in a Chart survey upon receiving a reasonable request for access to relevant information held by ARIA and which is not subject to any conflicting confidentiality obligation.

3.20. ARIA may request the assistance of any Record Supplier or Information Provider in checking or confirming any information held by them and which is relevant to the accuracy or integrity of the ARIA Charts. Failure to provide such assistance may result in the exclusion of the relevant Product from a chart or charts.

3.21. ARIA will republish an ARIA Chart if and when necessary to correct any significant error made by ARIA. ARIA may also republish an ARIA Chart if and when necessary or desirable if it becomes aware of a significant error made by another party. Record Suppliers and Information Providers are asked to draw ARIA's attention to any error in a Chart by no later than midday of the day following publication wherever possible. ARIA will not republish due to a failure by a Record Supplier to submit, in accordance with the Timetable, either:

- a) release information, or
- b) survey requests.

ARIA is not obliged to recalculate or republish if the error is not brought to its attention by midday of the day following publication.

## **Timetable**

- 3.22. Charts will be produced in accordance with the Timetable for the Chart Cycle set out in Schedule 4.

## **Rulings on Data Rules**

- 3.23. In the event of doubt regarding the interpretation or application of any Data Rule, a Record Supplier or Information Provider may make a written request for a ruling by the ARIA Chart Department. The ARIA Chart Department will make a ruling and communicate the decision to the applicant. If the applicant is dissatisfied with the ruling the provisions under Section 4 of this Code will apply.

## **Confidentiality**

- 3.24. All information supplied by Record Suppliers to ARIA is strictly confidential (unless it is in the public domain) and will not be disclosed or used in any way except to the extent necessary for ARIA to prepare and publish the ARIA Charts or as may be required by law.
- 3.25. Information supplied by Information Providers to ARIA is the subject of confidentiality obligations under the ARIA Information Provider Agreement between ARIA and each Information Provider.

## **4. REVIEW OF ARIA CHART DEPARTMENT DECISIONS AND DISPUTE RESOLUTION PROCEDURE**

- 4.1. The ARIA Chart & Marketing Committee is responsible for considering appropriate changes to this Code of Practice, adjudicating on disputes and overseeing the proper operation of the ARIA Charts. The members of the Committee are appointed by the ARIA Board.
- 4.2. A dispute between a Record Supplier and the ARIA Chart Department concerning the interpretation or application of the Eligibility Rules or Data Rules will be referred to the ARIA Chart & Marketing Committee for resolution as soon as reasonably possible. An ARIA executive (other than a member of the ARIA Chart Department) will act as facilitator.
- 4.3. If the person seeking resolution of the dispute is from an ARIA member company, no person employed by that company may participate in the consideration or resolution of the dispute.
- 4.4. Information about the dispute will be circulated to all members of the Chart & Marketing Committee, and a copy will be provided to the applicant. This information will include the nature of the dispute, the Chart Department's position, a statement of position by the person seeking resolution of the dispute, and a recommendation by the facilitator.
- 4.5. Upon request, the Record Supplier will supply sufficient examples of the Product in question for review by each member of the Chart & Marketing Committee. Where the Product is yet to be produced, sufficient examples of a mock-up of the proposed Product should be supplied. The facilitator will provide each Committee member (even though a member of the Committee may be ineligible to vote) with a document setting out the key questions in a form that requires a "Yes" or "No" answer.
- 4.6. Members of the Committee will have a maximum of 48 hours to communicate their decision to the facilitator, but may be required to respond more urgently if circumstances dictate. In such cases the facilitator will advise the timeframe when circulating the relevant document (see Section 4.5).
- 4.7. The Committee will decide how the dispute is to be resolved. The quorum will be set at a level of two less than the total number of Committee members at the time. Decision is by a

majority, and a failure to respond within the specified timeframe will indicate acceptance of the recommendation. In the event of a tied decision, the decision will be made by the Chairperson. If the Chairperson is disqualified from participation, the deputy Chairperson will make the decision. The Committee's decision will be final.

- 4.8. Disputes and any decisions made by the ARIA Chart & Marketing Committee in relation to a dispute are strictly confidential unless and until disclosure is authorised by ARIA.

## **5. BREACHES OF ARIA CODE OF PRACTICE**

- 5.1. Any suspected breach of the ARIA Code of Practice by either Record Suppliers, labels or Information Providers may be referred to ARIA for inquiry and determination.
- 5.2. ARIA will decide the nature and extent of any inquiry into the suspected breach.
- 5.3. After inquiring into the suspected breach, ARIA will determine, on the balance of probability, whether or not the suspected breach or any other breach of the Code of Practice has occurred. When it is considered that a breach has occurred, the matter will be referred to ARIA's Chart & Marketing Committee.
- 5.4. If the Chart & Marketing Committee determines that a breach of the Code of Practice has occurred, the Committee will consider and determine whether or not any remedy is in its opinion necessary to guard against repetition of the breach and/or to safeguard the reputation or integrity of the ARIA Charts. The Committee may take the following action:
  - a) issue a request requiring the person in breach to report in detail what particular corrective action it proposes to take to guard against repetition of the breach and later to provide a report detailing, to the satisfaction of the Committee, that it has taken effective corrective action to guard against repetition of the breach;
  - b) in the case of a Record Supplier, suspend any Chart Survey Requests by that Record Supplier and remove any existing Chart Survey Requests unless and until the Record Supplier provides a report detailing to the satisfaction of the Committee that it has taken effective corrective action to guard against repetition of the breach;
  - c) in the case of an Information Provider, suspend the inclusion of any retail store sales information from that Information Provider unless and until that Information Provider provides a report detailing to the satisfaction of the Committee that it has taken effective corrective action to guard against repetition of the breach. Note that whilst under suspension, complimentary access to the ARIA Chart Report and ARIA Chart statistics (see 1.14) will be withdrawn; or
  - d) in the case of serious breaches or repeated breaches, exclude participation in the ARIA Charts until such time that it is shown upon application that the applicant is fit and proper to participate in the ARIA Charts.

## **6. REVIEW AND AMENDMENT OF ARIA CODE OF PRACTICE**

- 6.1. This Code of Practice will be reviewed by ARIA from time to time and amended at ARIA's sole discretion. Comments and suggestions for the progressive improvement of this Code of Practice are welcome. Amendments will take effect from the date of first publication on ARIA's website.

**7. ARIA CONTACT DETAILS**

7.1. *ARIA Membership Enquiries:*

Phone (612) 8569 1144

Fax (612) 8569 1181

Email [aria.mail@aria.com.au](mailto:aria.mail@aria.com.au)

7.2. *ARIA Chart Department:*

Phone (612) 8569 1155

Fax (612) 8569 1182

Email [charts.mail@aria.com.au](mailto:charts.mail@aria.com.au)

## SCHEDULE 1

### DEFINITIONS

**Album** means:

- a recording performed by a single (or common) artist, act or orchestra (including “Best Of” compilations of material by the same artist);
- an original movie soundtrack or cast recording, but does not include a compilation album except a compilation of recordings from a television program or film if at least 80% of the tracks were included in that program or film; or
- a concept album featuring at least 80% of new recordings where the songs have been specifically recorded for the project (whether or not the recording is by various artists).

**Chain Store** means a specialist recorded music retailer with five or more outlets in Australia.

**Chart Cycle** means the cycle for preparing and publishing each weekly ARIA Chart.

**Chart Survey Request** means a request by a Record Supplier for a Product to be the subject of an ARIA Chart survey.

**Collateral Advantage** means any advantage or potential personal gain but does not include the industry-wide advantages that flow to participants in the music industry from the ARIA Charts.

**Compilation Album** means an album containing recordings by different artists and includes DJ mixes / sequences.

**Data Rule** means a rule set out in Section 2 of this Code of Practice.

**Department Store** means a retail store in Australia with a broad product range that includes recorded music.

**Eligible Packaged Product** means two or more Products offered or packaged together if the combined package has a unique catalogue number and is packaged so that the component Products are unable to be sold separately, but does not include a combination of:

- a) two or more Singles, or
- b) one or more Singles and one or more other Products.

**Eligibility Rule** means a rule set out in Section 2 of this Code of Practice.

**Enhanced Value** sale means any retail sale of a Single, which sale is accompanied by (or creates an entitlement to) a promotional offer or other consumer focused incentive, but does not include:

- multimedia enhancements (eg games, screensavers) or video material if that material relates to the artist or the music contained on the same physical item;
- badges, buttons, sew-on patches, posters, postcards or unstapled printed material;
- a competition approved under relevant state legislation if the chance of winning is very low; or
- any promotional offer of only nominal value.

**Genre Chart** means any Chart designed to encompass a particular musical style. The current ARIA genre charts are:

- *Dance Charts (Singles and Albums)*
- *Classical Chart (Albums)*
- *Country Chart (Albums)*
- *Jazz and Blues Chart (Albums)*
- *Urban Charts (Singles and Albums).*

**Information Provider** means any recorded music retailer in Australia that is a Chain Store, a Department Store, an Independent Store, an Online Music Store, a Venue-Based Retailer or a Specialist Supplier and has an agreement with ARIA to provide weekly retail sales data for the ARIA charts.

**Independent Store** means a specialist recorded music retailer with less than five outlets in Australia.

**Online Music Store** means a retailer in Australia that offers physical recorded music (ie not digital downloads) for sale by means of an Internet-based ordering system.

**Multiple Purchase** means the purchase of 3 or more units of the same Product by a single purchaser at any one time.

**Music DVD** means a product which satisfies the following criteria:

- at least 50% of the total running time of the Product must be audiovisual content, and
- the audiovisual content must be directly related to music and musical artists.

**Product** means any recorded music product whether offered as a single product or in combination with another recorded music product or any other product.

**Qualifying Retail Sale** means:

- a retail sale of a Product eligible for inclusion in an ARIA Chart and sold by an Information Provider where the start and finish of the transaction occurs within Australia; and
- a retail sale that is auditable by an independent provider of auditing services and in relation to which a GST invoice is issued in the Information Provider's point-of-sale system;

but does not include:

- a) sales by artists or fan clubs or through web-sites owned or operated by artists, record companies or fan clubs;
- b) sales by an Information Provider at a location other than its retail stores (e.g. at shows or shopping centre appearances) unless the ARIA Chart Department is notified in writing five days in advance of the event and the sales at the event are recorded in the Information Provider's POS system at the time of the sale;
- c) sales of Products by an Information Provider passed on to third parties on a consignment basis for sale;
- d) sales of Products from one retailer to another retailer;
- e) Multiple Purchase of a Product from an Information Provider; or
- f) an Enhanced Value sale.

**Record Supplier** means a supplier of recorded music to retailers in Australia.

**Single** means either:

- a) a Product containing up to five different tracks, and with a music content of not more than 25 minutes duration; or
- b) a Product containing multiple versions of not more than five songs with a combined duration of not more than 40 minutes providing that the combined duration of the longest versions of each song does not exceed 25 minutes.

**Specialist Supplier** means the supplier of a particular genre of recorded music or some other limited category of recorded music in Australia.

**Timetable** means the timetable set out in Schedule 4 of this Code of Practice.

**Venue-based Retailer** means a supplier of recorded music at an Australian venue used for entertainment, cultural displays, commercial promotions, political meetings, or events open to the public.

## SCHEDULE 2

### ELIGIBILITY RULES FOR PARTICULAR ARIA CHARTS

#### General

- 1.1. This Schedule sets out eligibility rules for particular ARIA Charts. It should be read together with the General Eligibility Rules in Section 2 of the Code of Practice. Where any inconsistency arises between the General and these specific rules, these specific rules will apply to the extent of any inconsistency. See further the Eligibility Rules and the Data Rules in the Code of Practice and the Definitions in Schedule 1 of this Code.
- 1.2. An Eligible Packaged Product is eligible for inclusion in a chart if the Product otherwise complies with the Eligibility Rules for that Chart

#### National Albums Chart (Top 10, 50, 100, 150)

- 1.3. Eligibility for the National Albums Chart requires that the Product:
  - must be an Album (see definition in Schedule 1); and
  - must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia; and
  - must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title); and
  - must not be a Compilation Album.
- 1.4. Eligibility does not require that the Product be a new release (eg the Product may be a re-release of a previous Top 100 Album).
- 1.5. A Product will no longer be eligible, and consequently removed from survey, if it falls below a predetermined Chart rank threshold (currently No.400) and does not recover within a reasonable period (currently 5 weeks).

#### National Singles Chart (Top 10, 50, 100, 150)

- 1.6. Eligibility for the National Singles Chart requires that the Product:
  - must be a Single (see definition in Schedule 1); and
  - must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia; and
  - must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
  - must not be a Product comprised of multiple previously released Singles packaged together.

#### Compilation Albums Chart (Top 20)

#### **1.7. Eligibility for the Compilation Albums Chart requires that the Product:**

- must be a Compilation Album (see definitions in Schedule 1); and
- must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia; and
- must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
- be ineligible for the National Albums Chart.

#### **NSW, Vic/Tas, Qld, SA/NT, WA State Singles, Albums and Compilation Charts**

- 1.8. Eligibility for the NSW, Vic/Tas, Qld, SA/NT, WA State Singles, Albums & Compilation Charts is as for the corresponding National Albums and Singles Charts and the Compilation Chart, except they are restricted to sales by Information Providers made to purchasers in the specific state or territory, subject to 1.9.
- 1.9. The territorial boundaries for these Charts do not necessarily coincide with strict State geographical boundaries but are adjusted to reflect the boundaries adopted by a majority of the record companies for distribution purposes (eg the Northern region of NSW is generally serviced from QLD and hence sales in that Region are included in the QLD Chart).

#### **Australian Artist Singles and Albums Charts (Top 20)**

- 1.10. Eligibility for the Australian Artist Singles and Albums Charts is as for the National Singles and Albums Charts except that the primary artists of the product must be from Australia. Where the primary artist is a group, the artist will be considered to be Australian if at least 50% of the members of the group are citizens or residents of Australia.

#### **Dance Singles Chart (Top 20)**

- 1.11. Eligibility for the Dance Singles Chart requires that the Product:
- must be a Single (see definitions in Schedule 1); and
  - must be predominantly of a dance nature, or with a featured track of a dance nature, or included in the ARIA Club Chart or a comparable overseas chart; and
  - must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
  - must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia.

#### **Dance Albums Chart (Top 20)**

- 1.12. Eligibility for the Dance Albums Chart is as for the Dance Singles Chart except that the Product must be an Album or a Compilation Album (see definitions in Schedule 1).

#### **Country Albums Chart (Top 20)**

1.13. Eligibility for the Country Albums Chart requires that the Product:

- must be an Album or Compilation Album (see definitions in Schedule 1); and
- must be predominantly within the Country Music genre; and
- must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
- must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia.

1.14. Record Supplier requests for Country Albums survey inclusion are not automatically granted but are presented to a voluntary panel of Australian country music experts and persons experienced in this genre. The panel then determines by majority whether the requested titles are to be included.

#### **Jazz and Blues Albums Chart (Top 20)**

1.15. Eligibility for the Jazz and Blues Albums Charts requires that the Product:

- must be an Album or Compilation album (see definitions in Schedule 1);
- must be predominantly within the Jazz or Blues genre and/or included or have charted within a comparable overseas chart; and
- must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
- must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia.

#### **Classical Albums Chart (Top 20)**

1.16. Eligibility for the Classical Albums Charts requires that the Product:

- must be an Album or Compilation album as defined in Schedule 1; and
- must be predominantly within the Classical genre or Classical Crossover genre (eg the Titanic Soundtrack) and/or included or have charted within a comparable overseas chart; and
- must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
- must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia.

#### **Music DVD Chart (Top 40)**

1.17. Eligibility for the Music DVD Chart requires that the Product:

- must be a Music DVD; and
- must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
- must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia.

1.18. Eligibility does not require that the Product be solely a DVD package. In the case of a CD/DVD package, the Record Supplier must nominate whether it is to be surveyed either as an Album or DVD (mutually exclusive charts) in the written request for Chart survey.

#### **Urban Singles Chart (Top 40)**

1.19. Eligibility for the Urban Singles Chart requires that the Product:

- must be a Single (see definitions in Schedule 1); and
- must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
- must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia.

Record Supplier requests for Urban Singles survey inclusions are not automatically granted but are presented to a voluntary panel of Australian urban music experts and persons experienced in this genre. The panel then determines by majority whether the requested titles are to be included.

#### **Urban Albums Chart (Top 40)**

1.20. Eligibility for the Urban Albums Chart requires that the Product:

- must be an Album or Compilation album (see definitions in Schedule 1); and
- must be less than three years old (from its first Australian release date) unless in a continuing Chart run or made the subject of a new written Chart Survey request in accordance with the Data and Eligibility Rules (eg a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title), and
- must be the subject of a written survey request for this chart by a Record Supplier who supplies the Product to retail stores in Australia.

Record Supplier requests for Urban Albums survey inclusions are not automatically granted but are presented to a voluntary panel of Australian urban music experts and persons experienced in this genre. The panel then determines by majority whether the requested titles are to be included.

## **Hitseekers (Top 20 Albums and/or Singles; First Appearance in Top 50 Albums or Singles)**

1.21. Eligibility for the Hitseekers Chart requires that the Product:

- must be an Album or a Single (see definitions in Schedule 1); and
- must be by an artist who has never previously been in the Top 50 Albums in the National Albums Chart (in the case of Hitseeker albums) or in the Top 50 in the National Singles Chart (in the case of Hitseeker singles).

Upon reaching the top 50 of either the ARIA Singles or Albums charts, an artist will be permanently excluded from the corresponding Hitseeker chart from that week onwards (the "Hitseekers Chart Top 50 Rule"). The artist's breakthrough top 50 entry will be heralded as a footnote to the Hitseeker Chart in the week that the first top 50 position is achieved.

Where two or more artists jointly release a recording, the Hitseekers Chart Top 50 rule does not apply unless all of the artists are ineligible under that Rule.

**SCHEDULE 3**  
**ARIA CHART SURVEY REQUESTS**  
**PRESCRIBED FORM**