



Resolution Pathways

FAIR. INDEPENDENT. TRANSPARENT

2022
ANNUAL
REPORT





Resolution Pathways

FAIR. INDEPENDENT. TRANSPARENT

REPORT TERMINOLOGY

Like all services, ours has specialist terminology that might be useful for the reader.

MATTERS: means issues referred to Resolution Pathways during the reporting period. This includes active disputes and emerging issues that are referred for early assistance and advice.

MUSIC USER(S): refers to those entities that license music from APRA and from whom royalties are collected and distributed by APRA AMCOS to Music Creators.

MUSIC CREATOR(S): refers those members who have works registered with APRA.

CLOSED: Is used where a matter and the file has been closed. This could mean the matter has been referred out of our pathways by consent of the participants, it was a file for advice and support only, or there is no consent from one or both of the parties to pursue the matter further where consent is needed.

ASSOCIATED MATTERS: Matters where several pathways are tried will have multiple associated matter numbers if the pathways are opened at different times or because there are multiple issues or multiple players.

RESOLUTION PATHWAYS FUNDING: This refers to the block funding provided to the scheme for the running of administration and matters resolved by the Resolution Facilitator. This is done through an annual agreed amount. This funding methodology is designed to allow autonomy and independence.



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2022 ANNUAL REPORT

OVERVIEW

This Annual Report for Resolution Pathways is provided in the format responsive to the ACCC Authorisation which came into effect on 4 August 2020 (the “authorisation”). The report covers the period 1 January 2022 to 31 December 2022 (2022 reporting period).

The report is divided into 2 parts:

PART 1 is an overview of matters received and/or managed within the 2022 reporting period (C6.21(i-iii)).

PART 2 provides a list of goals and an annotation of how they have been met. This includes a response to the feedback received and data on complaints in the scheme (C6.21(iv-viii)).



PART 1

AN ANALYSIS OF MATTERS RECEIVED AND/OR MANAGED DURING THE REPORTING PERIOD

C6.21 (i-iii) of the authorisation

EXECUTIVE SUMMARY

There were 14 matters managed in the 2022 reporting period.

One matter was brought over from 2021 and 13 were from the 2022 year.

The matter summary is for those matters where APRA AMCOS or OneMusic is a party as those are the ones covered by the authorisation. Accordingly there are 10 matters which have full report notes in this section. The remaining 3 matters (22/03, 22/09 and 22/13) are disputes between Music Creators and Music Creators or Publishers. Additional data from those matters can be made available on request to anyone who has a specific need for the data.

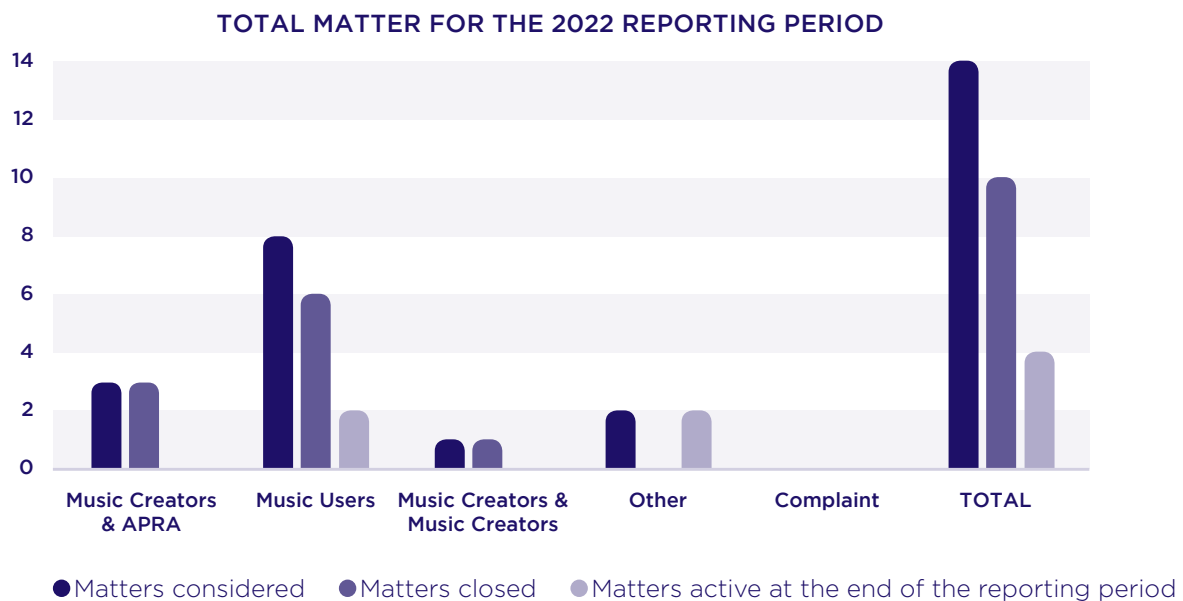
There were no complaints about the service made during the 2022 reporting period.



Matters considered and resolved or decided within the reporting period

CATEGORY	CLOSED MATTERS	CONSIDERED MATTERS	MATTERS ACTIVE AT THE END OF THE 2022 REPORTING PERIOD
Music Creators & APRA	3	3	0
Music Users	8	6	2
Music Creators & Music Creators	1	1	0
Other (Music Creator & Music Publisher)	2	0	2
Complaint	0	N/A	N/A
Total	14	10	4

Number of matters by type and their status at the end of the reporting period

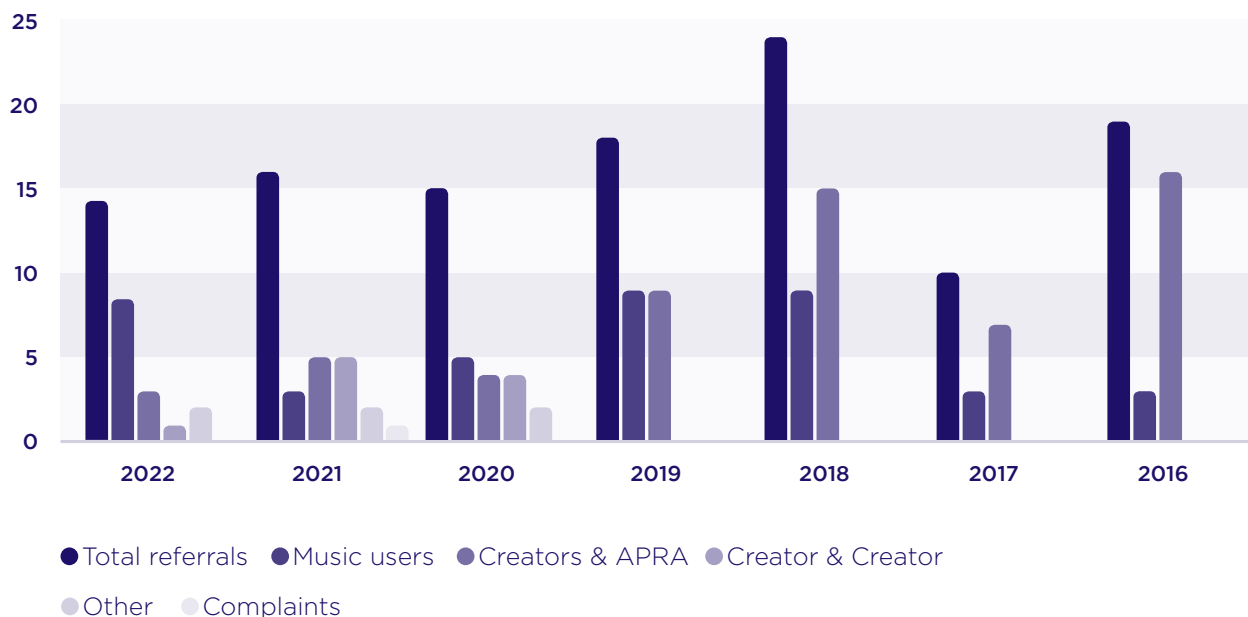




Comparison with previous years

YEAR	TOTAL MATTERS	MUSIC USERS	MUSIC CREATOR / APRA	MUSIC CREATOR/ MUSIC CREATOR	OTHER	COMPLAINTS
2022 Covid-19	14	8	3	1	2	0
2021 Covid-19	16	3	5	5	2	1
2020 Covid-19	15	5	4	4	2	0
2019	18	9	9	9	0	0
2018	24	9	Combined	15	0	0
2017	10	3	Combined	7	0	0
2016	19	3	Combined	16	0	0

COMPARISON GRAPH OF PREVIOUS YEARS





Individual matters detail overview

MATTER NO.	01/22
FILE NO.	AZ013670
STATUS	Closed
Type of Matter	Music Creator [Carried forward from 2021] (Associated with RP matters 016M of 2016 and 036M of 2017)
Process and Timeline	<ul style="list-style-type: none">• The matter was the subject of an Early Neutral Evaluation (ENE) 2021. ENE is a process that allows an expert to evaluate the matter, including jurisdiction to provide advice on the scope, appropriateness, practicability cost and methodology of any investigation or allied process.• A report setting out the ENE by The Honourable Dr Annabelle Bennett AC SC was delivered on 20 January 2022 with recommendations for next steps.• The applicant declined to take the steps.• No further action. Matter is in hibernation.
Fees	<ul style="list-style-type: none">• The ENE was paid for by APRA AMCOS in 2021. No further fees were incurred in 2022.• Resolution Facilitator paid by APRA by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• In hibernation- can be reopened.

MATTER NO.	02/22
STATUS	Closed
Type of Matter	Music Creator and APRA New Zealand (Associated with Matter 05/21 (NZ01))
Process and Timeline	<ul style="list-style-type: none">• This matter was closed at the end of 2021, however some of the points of agreement required further refinement in 2022.• This refinement was facilitated by the Resolution Facilitator through the first quarter of 2022.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• Closed



Individual matters detail overview continued

MATTER NO.	04/22
STATUS	Closed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none">• Triage with Resolution Facilitator on Options.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• Closed

MATTER NO.	05/22
FILE NO.	AZ014574
STATUS	Closed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none">• 12 weeks to an in principal resolution (May-August). Settlement documents were not finalised until the end of the 2022 reporting period due to a crisis at the licensee venue.• The Resolution Facilitator worked with the Music User and OneMusic to understand the core issues in dispute. Time was taken to allow each participant to consult stakeholders and for the Music User to consider options.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• Closed• Resolved through a settlement agreement.



Individual matters detail overview continued

MATTER NO.	06/22 - 3 related matters throughout 2022
FILE NO.	AZ014588 (Associated with a Matter from 2020)
STATUS	Closed
Type of Matter	Music Creator
Process and Timeline	<ul style="list-style-type: none">• The Music Creator queries different issues many unrelated to music. There is a dispute about whether this person is eligible to be an APRA member.• The three related matters were initiated by the Music Creator in May 2022, September 2022 and October 2022.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• Closed• Evaluation not appropriate.

MATTER NO.	07/22
FILE NO.	AZ014582
STATUS	Closed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none">• 5 weeks with Resolution Facilitator before being referred internally to APRA for further negotiations.• The Music user and OneMusic were unable to reach agreement on a calculation of OneMusic licence fees for a venue over Covid restriction periods.• The Resolution Facilitator worked with the Music User and APRA to identify core issues for consideration and arranged for a representative to work with the Music User face-to-face.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• The matter was settled by direct negotiation.



Individual matters detail overview continued

MATTER NO.	08/22
STATUS	Closed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none"> • 6 week triage process with the Resolution Facilitator at which time the matter was referred to mediation. • Over the following 4 weeks the Resolution Facilitator assisted with the logistics of the referral. • Music User raised a dispute with OneMusic regarding the category of licence fees within an industry. • By consent the matter was referred to mediation with Steve Lancken and was resolved.
Fees	<ul style="list-style-type: none"> • Resolution Facilitator paid by Resolution Pathways funding. • \$6,750 in mediation fees (inclusive of GST) paid for by the participants equally.
Outcome	<ul style="list-style-type: none"> • Closed. Resolved through mediation pathway.

MATTER NO.	10/22
FILE NO.	AZ014651
STATUS	Open, pathway agreed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none"> • As at the end of the 2022 reporting period, this matter has been open for just under 4 months (from 5 September 2022). • On 28 November the matter was referred to a mediation pathway by consent. • Music User disputed the fee structure of a licence and submitted an alternative proposal to OneMusic that was not accepted. • Resolution Facilitator triaged dispute with the Music User, APRA and OneMusic, to clarify the scope of the dispute and facilitate referral to a pathway. • The matter was referred to a mediation pathway scheduled to take place in 2023 with Tim McFarlane as mediator.
Fees	<ul style="list-style-type: none"> • Resolution Facilitator paid by Resolution Pathways funding. • Mediation fees to be paid for by APRA in 2023.
Outcome	<ul style="list-style-type: none"> • Open, carried over to 2023 for mediation.



Individual matters detail overview continued

MATTER NO.	11/22
FILE NO.	AZ014656
STATUS	Open, pathway agreed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none">• As at the end of the 2022 reporting period, this matter has been open for 3.5 months (since 14 September 2022).• On 1 December 2022 this matter was referred to mediation pathway by consent.• Music User raised a dispute over whether the category of licence is appropriate for the venues owned by that Music User.• The Resolution Facilitator triaged the dispute with the Music User, APRA and OneMusic and referred it to a mediation pathway to take place in 2023 with Tim McFarlane as mediator.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.• Mediation fees to be paid in 2023 by the participants equally.
Outcome	<ul style="list-style-type: none">• Open, carried over to 2023 for mediation.
MATTER NO.	12/22
FILE NO.	AZ014573
STATUS	Closed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none">• Matter open for 5.5 weeks.• Music User sought a OneMusic licence fee reduction arising from Covid lockdowns and related circumstances.• Resolution Facilitator triaged the matter and facilitated agreement between the Music User and OneMusic.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• Closed, resolved through acceptance of an offer by OneMusic.



Individual matters detail overview continued

MATTER NO.	14/22
STATUS	Closed
Type of Matter	Music User
Process and Timeline	<ul style="list-style-type: none">• Triage with Resolution Facilitator on issues.• No action required.
Fees	<ul style="list-style-type: none">• Resolution Facilitator paid by Resolution Pathways funding.
Outcome	<ul style="list-style-type: none">• Closed.



PART 2

AN OPERATION OF THE SCHEME BY REFERENCE TO GOALS AND KPIS

C6.21 (iv-viii) of the ACCC authorisation August 2020

BACKGROUND AND CONTEXT

This part identifies the operations of the scheme by reference to goals and key performance indicators and metrics set for the scheme in C6.21(vi), the Resolution Facilitator and her team C6.21(vii) and an evaluation of the governance and funding arrangements of the scheme C6.21(viii).



About the Goals as shifted for market conditions

General market conditions at the beginning of 2022 were variable as the world continued to grapple with the COVID-19 pandemic. While business began to re-emerge, the music industry, which depends in large part on the gathering of people, was one of the last to recover. This was coupled with an overall skills shortage and a lack of resilience in the population generally as a result of the COVID journey.

There were several key strategic decisions that were taken in that environment that are important in assessing the overall operation of the scheme:

Funding: To keep the scheme operating and compliant, with as modest a spend as possible given the state of the industry.

Resources: To delay any recruitment needs until 2023 to allow the market time to settle. This is both in the Resolution Facilitator team and in the Governance team.

Resolution: All matters were assessed to check the mental wellbeing of participants. Any pathways that could be managed on -line were concluded in the usual time frames.

Where matter that required a face to face component, involved either travel or where the mental health of a participant was frail, were moved into the 2023 calendar year. This accounts for 2 matters carried over (that fall within the authorisation) where the pathway was agreed.

Consolidation: The Resolution Facilitator used the opportunity for consolidation of services and planning for the year that will come. This has added a section below as 'matters consolidated for the next stage.'



High level goals for the Scheme and its governance

A primary aim is to have an external scheme that is accessible and that provides safeguards for independent dispute resolution funded by APRA AMCOS, without influence on the operations of the scheme. Below are the goals that were articulated in the 2021 report that support this. For ease of comparison this is annotated again.

1 SCHEME GOAL (C6.21(VI))

1.1. Accountability and transparency to support independence

The scheme has a separate website, an independent chair a governance committee, and an external Resolution Facilitator team.

The website was updated during the year and all links checked.

The independent chair, Peta Irvine, continued as the chair of the committee and the point of reference for monitoring the Resolution Facilitator and the deliverables. The chair has attended regular meetings with APRA AMCOS, the Resolution Facilitator and the Governance Committee. The face-to-face strategic planning meeting for the year was moved to online and reduced to operational issues. The chair also kicked off a review of the budgets and funding model.

Governance Committee: The Governance Committee met regularly and has taken a proactive role in consolidation of the service and ensuring that the Resolution Facilitator is operating effectively and strategically.

Resolution Team: The discussions are continuing to ensure a resolution team that balances services, accountability and is lean and cost effective. During the COVID period it was agreed to engage an administrator from a temp agency to assist the Resolution facilitator. The idea of the role was to map what administrative tasks might be able to be reduced by software and a standardised protocol. The balance of the role was also mapped to explore a splitting of the role to ensure there is no single point of weakness. This has been finalised.

Clarity of roles, and a place for feedback on the scheme outside APRA AMCOS.

The Independent Chair and representative Governance Committee have continued to ensure that the Resolution Facilitator is accountable beyond APRA AMCOS.



1.2. Outreach and awareness raising for the scheme

APRA AMCOS and One Music have continued to be the primary referrers to the scheme. The Governance Committee has invested time and energy in having a social media presence. It has also identified reinvigorating the steering committee - a group of stakeholders who have reach in the industry, including industry associations. Both of these strategies will be pursued further.

1.3. Clear and strong governance and transitions

During the 2022 reporting year, the transition program was continued.

Resolution facilitator team

By agreement the Resolution Facilitator will engage a senior manager as part of the team for the first quarter of 2023. Recruitment and shortlisting were finalised by Dec 2022.

Governance Committee

A music user whose annual licence fees payable to APRA are over \$3,000 commenced and is fully active.

One of the music creators from the Stakeholder Group whose annual royalty receipts from APRA are \$3,000 or less, commenced shadowing the music creator in this category during 2021. There will be a formal transition of their roles in January 2023.

The music user with annual licence fees payable to APRA below \$3,000 has been a difficult role to fill during the COVID disruption. A process was run in 2022. The feedback from shortlisted candidates was that their businesses were demanding and that they could not commit until the market settled. The process has been rescheduled in the first quarter of 2023 once the senior manager is in place.

1.4. Increase capacity of the Stakeholder Group. Strengthening of capacity

Representation of the different industry groups in a wider stakeholder group remain valuable for industry specific feedback. This has been placed on the agenda for 2023 subject to the market recovering.



2 RESOLUTION FACILITATOR GOALS (C6.21(VII))

2.1. Ensure successful resolutions

NB: This includes matters being completed and also tracked and within the budget defined

The scheme has operated within its block funding and on budget.

Of the 11 matters outlined in Part 1 that fall within the scope of the 2020 authorisation, 8 were resolved or decided during the 2022 reporting year. The 2 matters that will be carried over to 2023 were deemed to require face to face processes and/or of a psychosocial assessment.

2.2. A panel available for all processes

The response in Part 1 shows the ability of the Resolution Facilitator team to both resolve matters and provide a broad range of pathways for the successful and timely resolution of matters.

2.3. Continued evolution of the Resolution Facilitator team

With the input of the Governance Committee, the Resolution Facilitator engaged a temporary administrator in 2022.

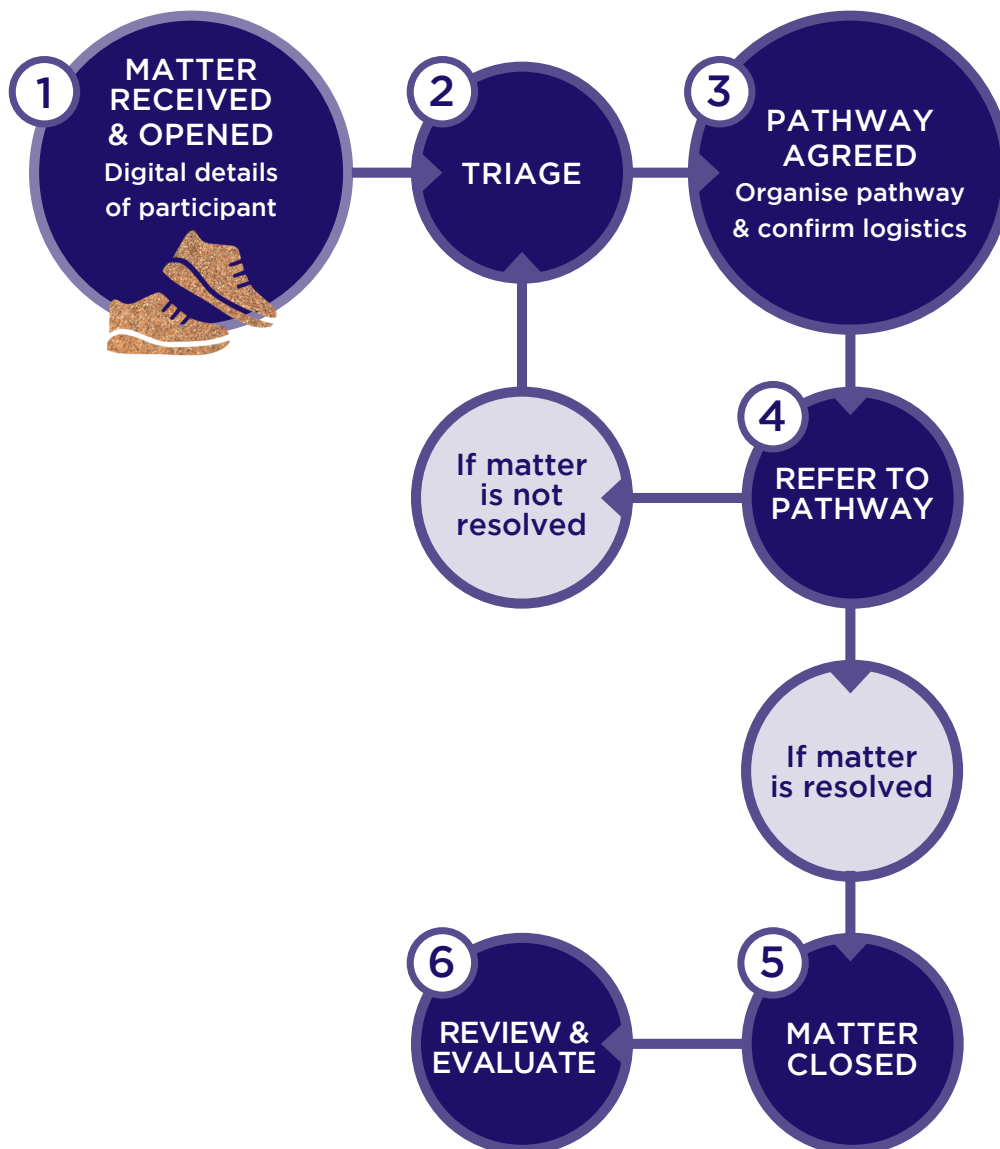
The Resolution Facilitator also produced an options paper setting out the options and advantages/cost for the staffing of the resolution facilitator team. The governance committee are working with the Resolution Facilitator in implementing a plan that will also ensure that the Resolution Facilitator team has good capacity for succession planning.



2.4 Augmentation with software

The standardisation of case management has been done to prepare for the implementation of a digital case management system in 2023 to streamline and reduce administration and reporting time.

DIAGRAMMATICAL REPRESENTATION OF THE CASE MANAGEMENT SYSTEM THAT WILL BE AUTOMATED





3 FUNDING ARRANGEMENTS (C6.21 (VIII))

3.1 Block funding-and an opportunity to fine-tune the budgeting process

A budget sub-committee was formed in the 2022 reporting year, consisting of the music user whose annual licence fees payable to APRA are over \$3,000, the music creator whose annual royalty receipts from APRA are over \$3,000 and the independent chair. They are due to review the funding model by May 2023.

4 SUMMARY OF FEEDBACK RECEIVED BY APRA, AND BY THE RESOLUTION FACILITATOR, IN RELATION TO THE OPERATION OF THE SCHEME, INCLUDING THE FEEDBACK AND RECOMMENDATIONS PROVIDED BY THE COMMITTEE (C6.21(IV))

All participants in the dispute resolution pathways have an ability to submit a complaint to the independent chair. There were none in the year.

More general feedback on the experience is sought anonymously from users of the service (Music Users, Music Creators, APRA AMCOS and OneMusic Australia). To ensure a chance for anonymity given the numbers in the system these reviews are sent out once we have around 10 individuals to evaluate. Feedback was sought during 2022 and then at the beginning of March 2023 to provide time for the matters referred to face to face pathways to conclude.

For the period, 12 individuals were sent surveys and 5 responded, being 42% of the individuals surveyed. Note, as APRA AMCOS/OneMusic Australia representatives are surveyed, those representatives may be sent multiple surveys and are counted individually for each matter. Surveys are also sent to matters between 2 music creators.

3 of the 5 responders identified themselves. One responder (who identified themselves) is from a matter between two Music Creators and falls outside the scope of the authorisation.



Summary of the results from the survey respondents

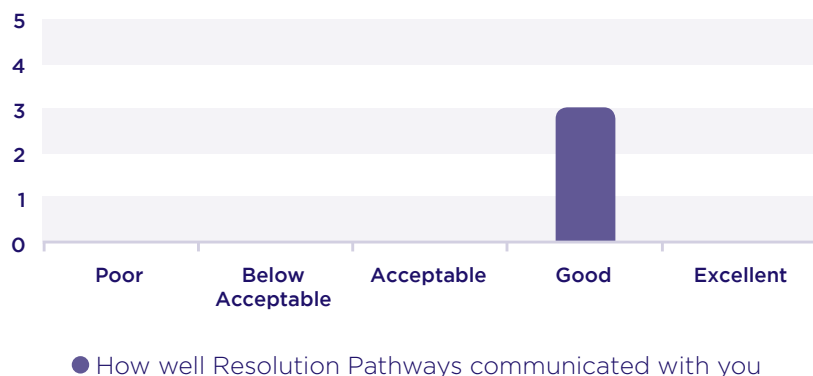
How well Resolution Pathways understood your needs:



How well Resolution Pathways identified issues in need of resolution:



How well Resolution Pathways communicated with you:



Is there anything that worked particularly well?

“The outcome of mediation was worthwhile which I am pleased with. Although some core concerns were not able to be dealt with.”

“The opportunity to meet with the client and properly discuss their specific issues.”

“Nearly 2 years of back and forth over music usage dispute... Shirli from Resolution Pathways resolved it for us in less than 2 weeks! We are very happy with the outcome. The process was frictionless and efficient. If you're a music user or creator with challenges - reach out to Resolution Pathways for help, you'll be glad you did!”

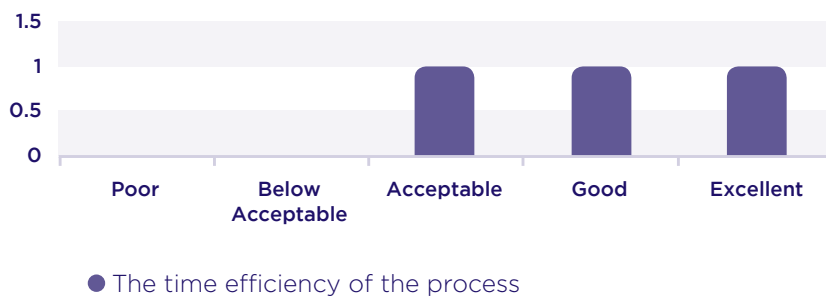




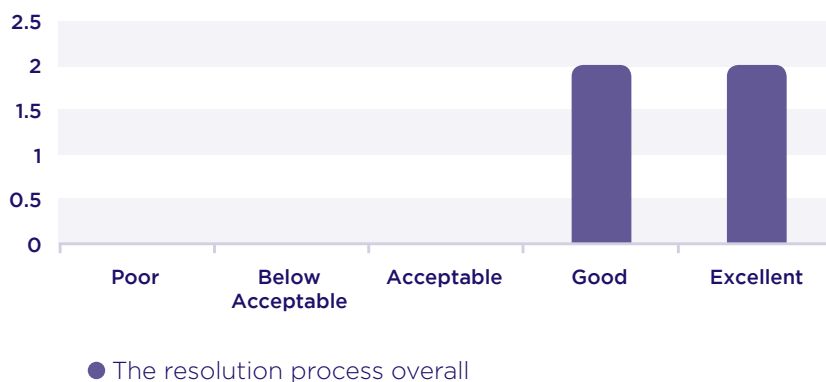
The ease of initiating the resolution process:



The time efficiency of the process:



The resolution process overall:



What if anything could be improved for the future?

“Broaden the scope of what areas of concern disagreement can be dealt with.”

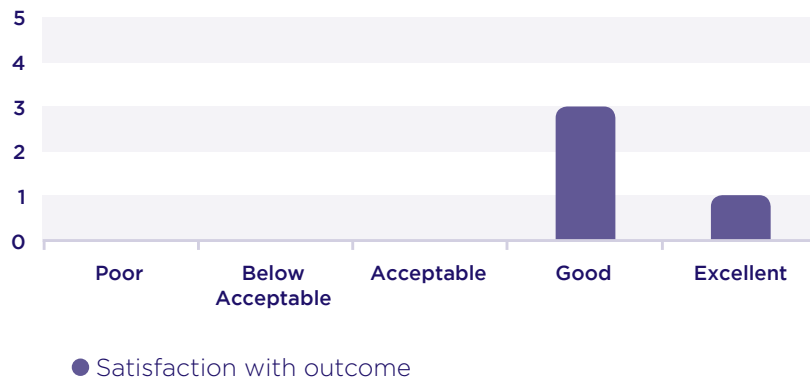
“Timelines. I felt that once I was in charge of the process the client took their time. There seemed to be very little urgency.”

“No suggestions. Shirli was great.”





Your satisfaction with the outcome you achieved:



5 NUMBER AND NATURE OF ALL COMPLAINTS RECEIVED ABOUT THE FACILITATOR OR THE SCHEME (C6.21(V))

None were received in the 2022 reporting period.



ACHIEVEMENTS FOR 2022

This was a solid year of consolidation. We have highlighted our achievements below:

- The Governance Committee continued effectively right through a difficult time.
- Delivery of reports each quarter to the Governance Committee.
- The effective use of a temporary staff member to allow for consolidation of the work of Resolution Pathways and flexibility to meet changing and unpredictable needs.
- Appointment of a music user whose annual licence fees payable to APRA are over \$3,000 to the Governance Committee.
- Successful mentoring of the members whose annual royalty receipts from APRA are \$3,000 or less to ensure a smooth succession into that position.
- Agreement on the shape of a Resolution Pathways team for 2023 and recruitment for the next role.
- Finalisation and agreement on the case management steps for matters.
- Scoping of software and timing for implementation.
- Effective attendance on all matters that were referred to the system including those between music creators and music creators or publishers, which fall outside the scope of the 2020 authorisation.



FINAL WORDS

A huge thank you to Peta Irvine (independent chair), the Governance Committee - Jake Mason, Ben Chase, Kylie Auldish and Anthony Brierley, and Jonathan Carter from APRA AMCOS for their support and flexibility in 2022.



Shirli Kirschner

Resolution Facilitator

28.2.2023

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