



AUSTRALIAN HOTELS ASSOCIATION

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20 March 2014

Tess Macrae
Senior Project Officer
Adjudication Branch
Australian Competition and Consumer Commission
Level 35, 360 Elizabeth St
Melbourne Vic 3000

Dear Ms Macrae,

APRA application A91367-A91375


In regards to the reconvening of the conference this 21 March 2014, the summary of key AHA submissions is respectfully set out below:

How decisions should be made	<ul style="list-style-type: none">• In making decisions, ACCC should offer the greatest protection or benefit of the doubt to licensees and members
C2: ADR Reporting	<ul style="list-style-type: none">• Reasons for decision from each ADR matter should be published on the APRA website within 2 business days of the written decision
C3: Transparency of licence fees	<ul style="list-style-type: none">• The guide should be provided to the satisfaction of ACCC prior to the final authorisation (not 6 months after determination)• In addition to the guide, the licence application and the renewal applications need to be in Plain English and should be approved by ACCC• In particular, the fee structure needs to be set out in plain English. This is not clearly stated yet by the ACCC and a clear statement from the ACCC in regard to plain English fees needs to be made• The AHA submits that prior to final authorisation APRA publish, to ACCC satisfaction the following:<ul style="list-style-type: none">○ Plain English licence application form○ Guide: Background Music Hospitality○ Guide: Recorded Music for Dance Use○ Guide: Featured Recorded Music○ Guide: Live Performances• AHA understands that APRA has ceased payment of commissions to its employees or agents and request that this be included in the conditions
C5: Alternative dispute Resolution	<ul style="list-style-type: none">• confirm a modest filing fee for licensees as per the proposal by Resolve• require all costs of the ADR administration, and all facilitations, mediations and adjudications to be met by APRA, except in the case of vexatious proceedings• provide that APRA should bear the reasonable cost of travel and accommodation of the other party where the forum is not near the place of

	<p>business of the other party</p> <ul style="list-style-type: none"> • ensure that there is no limit or restriction on the type of dispute or basis upon which a dispute is being brought forward. In particular, disputes about the “reasonableness” should not be excluded • AHA and other interested parties should be given opportunity to be involved in the initial selection of the panel of mediators and experts. This should be done by Resolve presenting the interested parties with a short list of candidates. Given that APRA has effectively appointed Resolve, APRA should play no part in this process
<p>Repertoire and distribution revenues</p>	<ul style="list-style-type: none"> • Should be published by APRA

Further and better particulars in support of the above are still being finalised and will be emailed to you tomorrow and tabled at the conference with copies provided.

Yours faithfully,



STEPHEN FERGUSON
NATIONAL CEO