

31 March 2014

By E-Mail: adjudication@acc.gov.au

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear General Manager

**Australasian Performing Right Association Ltd Application for Revocation and Substitution
A91367-A91375
LPA Submission on Establishment of an ADR Committee**

Thank you for the opportunity to provide comment on the proposal to establish an Alternative Dispute Resolution (ADR) Committee to oversee the fair and transparent operation of the revised ADR system for APRA and its licensees.

About LPA

This submission is made by Live Performance Australia (**LPA**), the peak body for Australia's live performance industry. Established in 1917 and registered as an employers' organisation under the *Fair Work Act 2009* (Cth), LPA has over 390 members nationally. We represent producers, venues, music promoters, performing arts companies, festivals and industry suppliers such as ticketing companies and technical suppliers.

LPA's Members are APRA licence holders for the public performance of musical works under a number of licence categories including the following:

- Festivals (Licence Code: GCLF);
- Concert Promoters (Licence Code: GCLB);
- Featured Music Events (Licence Code: GCFM);
- Live Performance (Licence Code: GCLN and GLA);
- Recorded Music for Dance Use (Licence Code: GFN);
- Special Purpose Licence Scheme (Featured Music) (Licence Code: GCSF);
- Works in Dramatic Context (Licence Code: GCDC); and
- Casual Public Performances (Licence Code: GNP).

Submission

We provide our comments on each of the matters of interest identified by the ACCC below. We have focused on those points which are of most significance to our Members.

1. Do you support the introduction of an ADR Committee?

LPA supports the introduction of an ADR Committee, as it will provide an avenue for independent oversight of the ADR system.

2. How should the ADR Committee be funded?

LPA submits that it is APRA's responsibility to fund the operations of the ADR Committee given that the establishment of a new ADR regime is a Condition of their Reauthorisation.

3. What should be the responsibilities of the ADR Committee?

As mentioned in our previous submission to the ACCC dated 17 March 2014, LPA believes that the successful operation of the ADR scheme requires the role of Dispute Facilitator to be clarified in the suite of ADR documents. This can be adequately achieved by developing a list of all the tasks and duties required of the role. The responsibilities of the ADR Committee can only be effectively determined once the role of the Dispute Facilitator is finalised.

In principle, we agree that an ADR Committee should be responsible for the following:

- Approving the appointment of the Dispute Facilitator for a set period (no less than 3 years to provide consistency and certainty in the establishment phase).
- Approving a Code of Ethics or Code of Conduct which the Dispute Facilitator is required to abide by.
- Appointing future members of the ADR Committee. We suggest that relevant stakeholders should recommend appointments from their area of interest, which are then subject to approval by the whole Committee.
- Commissioning formal reviews of the ADR system when deemed necessary by the Committee.
- Monitoring the budget of the ADR system on a quarterly basis.
- Approving the appointment of the pool of mediators and experts to ensure a balance of geographic location, gender and professional background.

LPA submits that it should be the responsibility of the Dispute Facilitator to conduct periodic reviews of the ADR system and measure user satisfaction. This would involve consulting with relevant stakeholders and distributing satisfaction surveys.

4. Do you have any other comments regarding the possible ADR Committee?

In regard to the composition of Committee members, it is important that the size of the Committee be workable. LPA submits that it may not be necessary to include APRA Members on the ADR Committee, as APRA can represent their Members' interests.

Thank you for inviting us to make a submission on this important re-authorisation for our industry.

Yours sincerely



Evelyn Richardson

Chief Executive

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T [REDACTED] Ext [REDACTED] M [REDACTED]