

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

31/03/2014



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RE: A91367-A91375 – Australasian Performing Right Association Ltd – submission

Please find our answers to the questions asked in your email received 24/03/2014.

The ACCC is considering requiring APRA to establish an ADR Committee comprised of APRA members and licensees, with an independent Chair, to oversee the Scheme. Once formed, the ADR Committee could undertake tasks relevant to the oversight of the successful operation and independence of the Scheme.

The ACCC is interested in the views of interested parties in relation to this proposal. In particular:

- *Do you support the introduction of an ADR Committee?*

This would appear a reasonable proposition based on the information provided so far, and something Nightlife Music would support.

- *How should the ADR Committee be funded?*

For the most part, a committee of this nature could be run electronically, remotely and at minimal cost once established. Beyond this it might be a reasonable concession for anyone involved in the committee to cover their own costs.

What should be the responsibilities of the ADR Committee? For example:

- *Approving the appointment of the facilitator.*

Having the ADR facilitator/s approved by committee, as described, ensures all interested parties are represented in the administration of the ADR process, and feel a sense of ownership accordingly.

- *Appointing future members of the ADR Committee.*

Given the balance proposed, this would make perfect sense, although a safeguard would be needed to ensure that there is an appropriate balance of interests between members and/or licensees when making decisions of this nature.

○ *Seeking feedback from APRA licensees and members and mediators/experts about their experience of the operation of the Scheme.*

This would be an appropriate function of the committee.

○ *Commissioning reviews of the Scheme.*

External reviews of the scheme would provide beneficial and allow an extra layer of transparency that would be in line with industries with a more statutory level of oversight.

○ *Monitoring the Scheme's budget.*

An annual independent audit would help conform with best practice generally.

• *Do you have any other comments regarding the possible ADR Committee?*

Nightlife would allocate the staffing resource to participate in this committee. We would also fund our own costs to attend meetings at APRA's offices in Sydney.

Beyond this we wonder if someone from the ACCC would function as the initial Independent Chair?

Yours sincerely,

Mark Brownlee
Managing Director | Nightlife Music