NOTICE OF LODGMENT

AUSTRALIAN COMPETITION TRIBUNAL

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL and has been accepted for lodgment pursuant to the Practice Direction dated 13 July 2026. Filing details follow and important additional information about these are set out below.

Lodgment and Details

Document Lodged:	Submissions
File Number:	ACT 2 of 2026
File Title:	APPLICATION BY HEART MUSIC GROUP LIMITED
Registry:	VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



REGISTRAR

Dated: 16/11/2026 2:28 PM

Important information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 2 of 2026

COMMONWEALTH OF AUSTRALIA

Competition and Consumer Act 2010 (Cth)

Re: Application by Heart Music Group Limited for review of ACCC determination dated 11 September 2026 (authorisation AA1000661)

WRITTEN SUBMISSIONS IN SUPPORT OF APPLICATION UNDER SECTION 110(B)

A. Introduction

1. Heart Music Group Limited (HMG) seeks approval for its Managing Director, Martin Paul Bryant, to represent it in ACT 2 of 2026. This request is made in response to the communication from the Associate to Justice Moore dated 11 November 2026.

2. HMG seeks ongoing approval subject to suitable conditions. In the alternative, it seeks interim approval for the initial directions hearing and further procedural steps, with a timetable for final determination of the application.

B. Statutory basis

3. Section 110(b) of the Competition and Consumer Act 2010 (Cth) permits a body corporate to be represented before the Tribunal by an employee, director or other officer approved by the Tribunal. HMG recognises that approval is discretionary and that Mr Bryant's status as director does not of itself confer permission to appear.

4. Section 103(1) gives the Tribunal procedural discretion, subject to the Act and regulations, and contemplates an appropriately informal, expeditious and fair process. HMG submits that the suitability of its proposed representative, its actual circumstances, procedural fairness and efficient conduct of the review are relevant considerations.

C. Experience and suitability

5. Mr Bryant founded and manages HMG's direct music licensing activities. He has direct knowledge of the factual history relating to agency appointments, licence-backs, opt-outs, APRA's alternative dispute resolution procedures and proposed proportional licence-fee reductions. He participated in the ACCC process and prepared HMG's application for review.

6. Mr Bryant was admitted as a barrister and solicitor of the High Court of New Zealand in 2014, but is not currently practising and is not admitted as an Australian legal practitioner. His legal training is relevant to his capacity to assist the Tribunal; he seeks approval only in his capacity as a director of HMG. In addition to his legal and commercial experience, Mr Bryant is an active singer-songwriter and APRA member who continues to write and release music under the artist name *The Heart of Katherine*. He therefore brings firsthand knowledge of APRA's systems, processes and their practical implications for individual songwriters. This experience, combined with his legal training and his work developing an alternative music licensing business, provides him with an understanding of the matters under review from the perspectives of a rights holder, an independent licensing business and a legally trained professional.

7. Mr Bryant accepts the need to comply with directions, distinguish evidence from submissions and assist the Tribunal candidly and efficiently. HMG is willing to obtain specialist legal assistance where feasible and to comply with reasonable conditions or later reconsideration of approval if circumstances change.

D. Efforts to obtain representation

8. As detailed in the affidavit, Mr Bryant spoke with Caroline Brown at Squire Patton Boggs in Perth on 11 November and followed up by email; wrote to Mark McCowan of Corrs Chambers Westgarth on 12 November; and wrote to Bruce Lloyd of Clayton Utz on 12 November. He has also reported an approach to Elizabeth Avery of Gilbert + Tobin, from whom he is awaiting a response.

9. On 12 November, Mr McCowan replied that HMG's matter was unlikely to fit Corrs' pro bono criteria, but that the firm was willing to explore ways to contain fees. He offered to run a conflict check, copied Lara Hall and Ian Reynolds, and invited an initial discussion. The correspondence does not establish that Corrs agreed to act or agreed any fee arrangement. HMG is yet to hear further.

10. HMG has not retained an Australian lawyer in this review. It remains open to genuine pro bono assistance, or other workable arrangements. Any material change in the status of enquiries will be disclosed to the Tribunal.

E. Commercial circumstances and ability to fund counsel

11. HMG is a small New Zealand undertaking with constrained resources. It faces material difficulty meeting the ordinary costs of specialist Australian competition-law representation over a potentially extensive review. The company's financial and commercial circumstances are explained more fully in the affidavit, in respect of which a targeted restriction on publication is sought.

12. HMG contends in the substantive review that practical impediments associated with direct licensing have affected its ability to commercialise its model. That contention has not been determined and is not advanced here as a finding against APRA. It is relevant to the practical difficulty of funding a specialist lawyer to advance the review.

13. The company's circumstances are not put forward as an automatic entitlement to approval. Rather, they reinforce the other factors favouring approval: Mr Bryant's firsthand knowledge, relevant legal training, the attempts to obtain professional assistance, and the possibility of tailored procedural safeguards.

F. Fairness and efficient case management

14. Director representation would permit HMG to participate through the person most familiar with its case without incurring duplicative familiarisation costs. HMG does not seek a procedural advantage or relaxation of its obligations.

15. If necessary, concerns about complexity or procedural fairness can be addressed by directions for concise submissions, clearly identified issues, orderly timetables and liberty to revisit the approval if material circumstances change.

G. Orders

16. For those reasons HMG seeks orders in the terms of its application, including ongoing approval under s 110(b), or interim approval with directions for its later resolution.



Dated: 16 November 2026

Martin Paul Bryant | Director, Heart Music Group Limited (seeking approval under s 110(b))