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:	Affidavit
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.

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IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 2 of 2026

COMMONWEALTH OF AUSTRALIA

Competition and Consumer Act 2010 (Ct)

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

AFFIDAVIT OF MARTIN PAUL BRYANT IN SUPPORT OF APPLICATION UNDER SECTION 110(B)

I, MARTIN PAUL BRYANT, of Masterton, New Zealand, Managing Director of Heart Music Group Limited, make oath / ~~affirm~~ as follows:

Position and involvement

1. I am the Managing Director of Heart Music Group Limited (HMG), the applicant in ACT 2 of 2026. Except where I indicate otherwise, the facts stated in this affidavit are within my own knowledge.
2. HMG is a New Zealand business developing bulk direct music licensing arrangements for commercial users. I have been directly involved in establishing and managing HMG, dealing with creators and potential customers, and engaging with APRA concerning bulk direct licensing.
3. I was directly involved in HMG's participation in the ACCC authorisation process concerning APRA authorisation AA1000661 and prepared and filed HMG's application for review of the ACCC determination dated 11 September 2026. HMG filed its review application on 1 October 2026.

Qualifications and capacity

4. I was admitted as a barrister and solicitor of the High Court of New Zealand in 2014. I am not currently practising law and I do not seek to appear as an Australian legal practitioner.
5. I seek the Tribunal's approval to represent HMG solely as a company director under s 110(b) of the Competition and Consumer Act 2010 (Cth). I understand approval is a matter for the Tribunal and may be subject to conditions.
6. I have firsthand knowledge of the factual and commercial matters in the review, including HMG's experiences with creator agency appointments, licence-backs, opt-outs and proportional licence-fee reductions. I will comply with the Tribunal's directions and consider obtaining specialist advice where reasonably available.

Steps to obtain Australian legal representation

7. Following the Tribunal's correspondence about representation, I made genuine enquiries with Australian competition lawyers about representing or assisting HMG. I sought pro bono and, where feasible, limited-scope or otherwise affordable assistance.
8. On 11 November 2026 I spoke by telephone with Caroline Brown of Squire Patton Boggs in Perth about HMG's position. I followed up by email that day describing the proceeding and requesting pro bono assistance. I refer to the copy of my follow-up email marked MB-1.
9. On 12 November 2026 I emailed Mark McCowan of Corrs Chambers Westgarth asking about representation, potentially on a pro bono basis and subject to conflicts. I refer to the copy of that email marked MB-2.
10. On 12 November 2026 Mr McCowan replied that he did not think the matter would fit Corrs' pro bono criteria, but that the firm was willing to discuss ways to contain fees. He offered to undertake a conflict check, copied Lara Hall and Ian Reynolds, and invited an initial discussion. I refer to the copy of that response marked MB-3. I did not understand that email to be an agreement by Corrs to act for HMG.
11. On 12 November 2026 I emailed Bruce Lloyd of Clayton Utz asking whether he would be available to discuss representation, potentially on a pro bono basis and subject to conflicts. I refer to the copy of that email marked MB-4. Bruce referred the matter to his colleague Timothy Webb whom I spoke with over the phone and offered the firms fees which were not financially suitable for HMG.

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12. I have also approached Elizabeth Avery of Gilbert + Tobin via phone seeking assistance with these proceedings. At the date I make this affidavit, I am awaiting a response.

13. As at the date I make this affidavit, HMG has not retained an Australian lawyer to represent it in ACT 2 of 2026. I understand that responses to the approaches to Ms Brown, Mr McCowan and Ms Avery remain outstanding. I remain willing to consider suitable pro bono legal assistance.

Commercial and financial circumstances

14. [redacted]

15. [redacted]

16. [redacted]

17. I seek permission for HMG to rely on these financial circumstances in support of the representation application, while claiming a restriction on publication of paragraphs 14–16 because they contain non-public information concerning HMG's financial position and commercial progress. I understand that the Tribunal, rather than HMG, will decide whether those paragraphs remain confidential.

Tribunal correspondence

18. By email dated 11 November 2026, the Associate to Justice Moore advised that His Honour was minded to allow me to represent HMG at the directions hearing on 20 November 2026, but that ongoing representation required a formal application supported by evidence and written submissions addressing steps to obtain legal representation, including on a pro bono basis. I refer to the copy of that email marked MB-5.

19. I make this affidavit in support of the application for approval under s 110(b). I will inform the Tribunal if HMG obtains representation or if any other material relevant circumstance changes before this application is determined.

SWORN / ~~AFFIRMED~~ at Masterton, New Zealand

on the 16 day of November 2026

Signature of Martin Paul Bryant, deponent

BEFORE ME:

Signature of person authorised to take the affidavit

Full name: John Rodney Bunny

Qualification / authority: Justice of the Peace of NZ.

Place of witnessing: Masterton NZ

J.R. Bunny, JP
#6143
MASTERTON
Justice of the Peace for New Zealand

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IN THE AUSTRALIAN COMPETITION TRIBUNAL

ACT 2 of 2026 | Application by Heart Music Group Limited

ANNEXURE MB-1

IDENTIFICATION CERTIFICATE

This is the document marked MB-1 referred to in the affidavit of Martin Paul Bryant, sworn / ~~affirmed~~ at Masterton, New Zealand, on 16 March 2026.

Signature of authorised witness: _____

Witness full name and qualification: John Rodney Bunny
Justice of the Peace of NZ.

J.R. Bunny, JP
#6143
MASTERTON
Justice of the Peace for New Zealand

COPY OF EMAIL CORRESPONDENCE
Date: 11 November 2026
From: Martin Bryant <marty@heartmusicgroup.net>
To: Caroline Brown <caroline.brown@squirepb.com>
Subject: Follow-up to Our Call – HMG / APRA Competition Tribunal Review (ACT 2 of 2026)

Hi Caroline,

Thank you for taking the time to speak with me just now. I really appreciate it.

As discussed, I am the Managing Director of Heart Music Group Limited (HMG), a New Zealand business developing an alternative direct music licensing model for commercial businesses. HMG currently represents more than 176 songwriters and creators across New Zealand and Australia.

HMG has commenced proceedings in the Australian Competition Tribunal (ACT 2 of 2026), seeking review of the ACCC's determination dated 11 September 2026 concerning APRA's application for authorisation **AA1000661**.

Our concerns relate primarily to whether the conditions attached to APRA's authorisation provide meaningful and workable opportunities for independent music licensing businesses to compete. In particular, we have experienced significant difficulties with APRA's processes for recognising creator agency appointments, administering licence-backs and opt-outs, and facilitating proportional licence-fee reductions for businesses using directly licensed music.

These issues have implications beyond HMG, particularly for independent Australian and New Zealand songwriters seeking greater control over how their music is licensed.

The immediate issue is legal representation. Our first directions hearing is scheduled for Friday, 20 November 2026, before Justice Moore. The Tribunal has confirmed that His Honour is minded to approve my appearance at that hearing in my capacity as HMG's director and has agreed to allow me to appear remotely.

However, His Honour has indicated that my ongoing representation of HMG requires formal approval. The Tribunal has directed that I file a formal application supported by proper evidence and written submissions, including an explanation of the steps HMG has taken to obtain legal representation, including on a pro bono basis.

That material must be filed by 4:00 pm Sydney time on Tuesday, 17 November 2026.

The Tribunal has also requested proposed draft directions and notification of appearances at least two business days before the hearing, with any short submissions on case-management matters due by 4:00 pm on 18 November.

As I mentioned, I am a New Zealand-qualified admitted barrister and solicitor of the High Court of New Zealand. However, I am seeking permission to represent HMG in my capacity as its director rather than as Australian legal counsel. I am not currently pracitcing law.

Given HMG's limited financial resources, we are ex lorin whether s ecialist Australian com etition-law assistance mi ht be available on a ro bono basis. [redacted]

On a more personal note. My ultimate goal is to help establish an alternative music royalty collection and licensing model that can operate alongside, or independently of, APRA. I believe genuine competition in this market could create significant opportunities for emerging local artists, improve transparency and accountability around royalty distributions, and provide businesses with greater choice over the music they license.

This work began with my own experiences as an independent recording artist and songwriter. Over the past decade, I have become increasingly concerned that the existing collective licensing system does not adequately serve its own members, particularly those seeking to license their own self funded music directly.

Those concerns ultimately led to complaints to the New Zealand Commerce Commission, which subsequently opened an investigation concerning potential anticompetitive conduct by APRA. That investigation remains ongoing, as I understand it.

Over the last ten years, I have invested a substantial amount of time and personal resources into trying to bring about meaningful change in this industry. Building HMG has been part of that effort, and the Tribunal proceedings represent an important opportunity to address some of the structural barriers we have encountered.

One of the greatest challenges is the significant disparity in resources between HMG and APRA. The APRA AMCOS rou enerated a roximatel A$857 million in revenue in FY2025/26. [redacted]

Nevertheless, I believe the issues raised in this review are important questions of competition and public interest that warrant proper consideration. Ultimately, my motivation is to create a fairer and more competitive music industry in which independent creators have genuine choices about how their work is licensed and remunerated.

I would be very grateful if you or your colleagues could consider whether there may be an opportunity to assist, particularly with the immediate representation application or potentially the substantive proceedings. I have extensive niche experience in music rights, but this is the first Competition Tribunal Application I have ever made so I would welcome some guidance from a more experienced person in this area.

The public ACCC record, including the determination and many of HMG's submissions, is available here.

There are also some articles about HMG's progress here, as well as my personal story here.

Thank you again for speaking with me and for considering our situation.

Kind regards

MARTY BRYANT
Managing Director
M // +64 224626305
E // marty@heartmusicgroup.net
W // www.heartmusicgroup.net
HEART MUSIC GROUP - Fairplay Aotearoa

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IN THE AUSTRALIAN COMPETITION TRIBUNAL

ACT 2 of 2026 | Application by Heart Music Group Limited

ANNEXURE MB-2

IDENTIFICATION CERTIFICATE

This is the document marked MB-2 referred to in the affidavit of Martin Paul Bryant, sworn / affirmed at Masterton, New Zealand, on 18th November 2026.

Signature of authorised witness: _____

Witness full name and qualification: John Rigby Bunny Justice of the Peace of NZ

J.R. Bunny, JP
#6143
MASTERTON
Justice of the Peace for New Zealand

COPY OF EMAIL CORRESPONDENCE

Date: 12 November 2026

From: Martin Bryant <marty@heartmusicgroup.net>

To: Mark McCowan <mark.mccowan@corrs.com.au>

Subject: Urgent Enquiry – Australian Competition Tribunal Proceedings (ACT 2 of 2026)

Hi Mark,

I'm the Managing Director of Heart Music Group Limited, a New Zealand and Australian music licensing business.

We have commenced proceedings in the Australian Competition Tribunal (ACT 2 of 2026), seeking review of the ACCC's authorisation of APRA AMCOS (AA1000661).

Our concerns relate to whether the authorisation conditions provide meaningful opportunities for independent music licensing businesses to compete.

We have a directions hearing scheduled for 20 November and are urgently seeking legal representation, [redacted]

Would you be available for a brief conversation, subject to a conflict check?

Kind regards,
Martin Bryant

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IN THE AUSTRALIAN COMPETITION TRIBUNAL

ACT 2 of 2026 | Application by Heart Music Group Limited

ANNEXURE MB-3

IDENTIFICATION CERTIFICATE

This is the document marked MB-3 referred to in the affidavit of Martin Paul Bryant, sworn / ~~affirmed~~ at Masterton, New Zealand, on 16th March 2026.

Signature of authorised witness: _____ JP

Witness full name and qualification: John Rigby Bunny
Justice of the Peace of NZ

J.R. Bunny, JP
#6143
MASTERTON
Justice of the Peace for New Zealand

COPY OF EMAIL CORRESPONDENCE

Date: 12 November 2026

From: Mark McCowan <mark.mccowan@corrs.com.au>

To: Martin Bryant <marty@heartmusicgroup.net>; Lara Hall <lara.hall@corrs.com.au>; Ian Reynolds <ian.reynolds@corrs.com.au>

Subject: Urgent Enquiry – Australian Competition Tribunal Proceedings (ACT 2 of 2026)

Hi Martin

Thanks for your email.

I can run conflicts now. I don't think this would fit within our firm's pro bono criteria, but we're happy to discuss potential ways to contain our fees.

One other point to flag is that I will be on sabbatical from next month, so one of our other competition partners would assist. I've copied my colleagues @Lara Hall and @Ian Reynolds.

Is there a time later today that would suit for an initial discussion?

Kind regards
Mark

Mark McCowan | Partner & Head of Competition
Corrs Chambers Westgarth
m +61 402 302 244

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IN THE AUSTRALIAN COMPETITION TRIBUNAL

ACT 2 of 2026 | Application by Heart Music Group Limited

ANNEXURE MB-4

IDENTIFICATION CERTIFICATE

This is the document marked MB-4 referred to in the affidavit of Martin Paul Bryant, sworn / affirmed at Masterton, New Zealand, on 10th November 2026.

Signature of authorised witness: _____

Witness full name and qualification: John Ridley Bunny Justice of Peace of NZ

J.R. Bunny, JP
#6143
MASTERTON
Justice of the Peace for New Zealand

COPY OF EMAIL CORRESPONDENCE

Date: 12 November 2026

From: Martin Bryant <marty@heartmusicgroup.net>

To: Bruce Lloyd <blloyd@claytonutz.com>

Subject: Urgent Enquiry – Australian Competition Tribunal Proceedings (ACT 2 of 2026)

Hi Bruce,

I'm the Managing Director of Heart Music Group Limited (HMG), a New Zealand business developing an alternative direct music licensing model.

HMG has commenced proceedings in the Australian Competition Tribunal (ACT 2 of 2026), seeking review of the ACCC's authorisation of APRA AMCOS (AA1000661).

Our concerns relate primarily to whether the authorisation conditions provide meaningful opportunities for independent artists or independent music licensing businesses to compete.

I understand you have experience representing applicants challenging ACCC authorisations before the Tribunal, so I thought you might be well placed to assist.

We have a directions hearing on 20 November and are urgently seeking legal representation, [redacted]

Would you be available for a brief conversation, subject to a conflict check?

Kind regards,
Marty Bryant

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IN THE AUSTRALIAN COMPETITION TRIBUNAL

ACT 2 of 2026 | Application by Heart Music Group Limited

ANNEXURE MB-5

IDENTIFICATION CERTIFICATE

This is the document marked MB-5 referred to in the affidavit of Martin Paul Bryant, sworn / ~~affirmed~~ at Masterton, New Zealand, on 16th November 2026.

Signature of authorised witness: _____

Witness full name and qualification: John Rigby Bunny
Justice of the Peace of NZ.

J.R. Bunny, JP
#6143
MASTERTON
Justice of the Peace for New Zealand

COPY OF EMAIL CORRESPONDENCE

Date: 11 November 2026

From: Thomas Choo <Associate.MooreJ@fedcourt.gov.au>

To: Heart Music Group <marty@heartmusicgroup.net>

Subject: RE: ACT 2 OF 2026 APPLICATION BY HEART MUSIC GROUP LIMITED [SEC=OFFICIAL]

Dear Parties

ACT 2 OF 2026 APPLICATION BY HEART MUSIC GROUP LIMITED

Thank you Mr Bryant for your email below.

His Honour is minded to grant approval for Mr Bryant to represent the applicant at the directions hearing in his capacity as its director. However, the ongoing representation by Mr Bryant is a matter that can only occur with the approval of the Tribunal. In that regard, there should be a formal application supported by proper evidence and written submissions. That should include explaining any steps that have been taken to obtain legal representation for the applicant, including on a pro bono basis. That material should be filed by **4:00pm** on **17 November 2026**. Any other party should indicate its attitude to that application prior to the hearing next Friday, and directions can be made for its resolution.

I confirm that his Honour is content for Mr Bryant to appear at the directions hearing remotely using the Webex link previously provided.

His Honour would like to receive proposed draft directions and notification of appearances at least two business days prior to the case management hearing. Any disagreement between the parties in relation to the proposed directions should be shown in track changes. His Honour is also prepared to receive any short submissions on the matters to be addressed at the directions hearing, by **4:00 pm** on **18 November 2026**.

Yours faithfully

Thomas Choo | Associate to the Honourable Justice Moore
Federal Court of Australia
Queens Square | Sydney NSW 2000
www.fedcourt.gov.au | www.comcourts.gov.au