

Code Conciliator's Annual Report 1 July 2014 – 30 June 2015

Number of Disputes

Six new enquiries were received during this period, which is the same number of enquiries last year, compared with 5 in the year before that. This brings a total of 214 dispute enquiries received since the establishment of the Code in 1998.

Four of the dispute enquiries were successfully resolved using the Code's informal dispute resolution procedures, which focus on negotiating a satisfactory solution to the dispute with the assistance of the Secretariat as required. The emphasis is on resolving disputes before conciliation. The other 2 remaining matters were enquiries about the Code rather than specific dispute enquiries.

Since 1998, 9 matters have been conciliated, 8 of which resulted in agreement. No formal conciliations were held during the past year.

Nature of Complaints

Three complaints were made in relation to the non-supply of movies, while 1 was in relation to co-bundling movies from different distributors.

Of the 2 enquiries that were not disputes, 1 enquiry was in relation to the terms of trade document from a supplier, while another one enquired about the use of statistics that were gathered by distributors.

Administration

Under the early intervention procedures the Code Secretariat plays an active role in facilitating communication and in resolving the problem by encouraging the complainant to take the matter up directly with the Managing Director of the other side and (if that does not solve the problem) by the Secretariat telephoning the Managing Director. This approach can lead to a quick resolution to the problem at no cost to the parties, unlike formal conciliation.

It is very pleasing that all 4 dispute enquiries were resolved in this way during the year without the cost and inconvenience of conciliation. This reflects the excellent work of Ms Hong-An King of the Code Secretariat. Ms King is a solicitor and mediator who is committed to assisting parties to resolve their issues quickly. It also reflects

the high level of co-operation between parties to the Code.

The Code Secretariat plays an important role in allowing complainants to register their concerns, to explain the available alternatives and to facilitate agreement. Sometimes complainants simply wish to discuss the problem with the Secretariat and express their concerns as part of their decision-making process whether to progress the matter under the Code. Often enquirers wish to express some dissatisfaction with how the industry operates without wanting to commence the dispute resolution process. The Secretariat provides an effective and helpful point through which such issues can be registered and communicated to the Committee.

Operation of the Code

This year has evidenced a high level of professionalism by the representatives of the industry organisations on the Code Committee. They have participated in a conciliatory and trusting manner to discuss and resolve important industry issues. By doing this they have played a significant role to prevent disputes which may otherwise be communicated to the Secretariat.

I thank the Code Administration Committee, in particular, the Chairman, Mr John Dickie, for assisting and supporting the Code's Conciliator and Secretariat functions. I also thank the Committee for its continued confidence in the roles that I and the Secretariat perform.

David Newton

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