



Our ref: AA1000433  
Contact officer: Darrell Channing  
Contact phone: 02 6243 4925

1 July 2021

Ms Kate Haddock  
Partner  
Banki Haddock Fiora

By email: [haddock@bhf.com.au](mailto:haddock@bhf.com.au)

Dear Ms Haddock

**Re: Request to extend the period for APRA to update its plain English guides to include fee methodology explanations**

I refer to your letter of 18 June 2021, requesting that the Australian Competition and Consumer Commission (**ACCC**) extend the period for the Australasian Performing Right Association (**APRA**) to update its plain English guides for each licence category to include a fee methodology explanation, pursuant to condition C1.2 of authorisation AA1000433, until 14 October 2021.

Under section 88(3) of the *Competition and Consumer Act 2010* failure to comply with a condition means that the conduct being engaged in by that person falls outside the terms of the authorisation and the participant risks not being covered by the statutory protection afforded by the authorisation.

The ACCC is disappointed not only in having to consider the request but also the timing of your request. The ACCC provided APRA a 12 month period to update the plain English guides, and APRA did not contact the ACCC about updating the guides until more than 10 months after authorisation was granted.

However, in view of the circumstances detailed in your letter, the ACCC has agreed to the extension. The date by which APRA must revise the comprehensive plain English guides for each licence category to include fee methodology explanations is now 14 October 2021.

This extension is inclusive of any period for redrafting in response to any comments on drafts provided by the ACCC; accordingly, APRA should ensure it provides drafts in sufficient time for the ACCC to consider them and provide feedback and for APRA to then make changes in response (a process that may need to be repeated in some instances).

At this stage, the ACCC is not minded to grant any further extension. Accordingly, if APRA does not update its plain English guides by 14 October 2021, the ACCC considers that APRA would not have complied with condition C1.2.

I also note that pursuant to condition C5 of the authorisation, the ACCC may formally notify APRA if it is not satisfied that the fee methodology explanation in one or more of the revised guides is sufficiently clear and detailed to provide licensees with a reasonable understanding of the methodologies APRA adopts in setting its licence fees for the relevant licence category or categories. If the ACCC is not satisfied that the fee methodology explanation for the licence category is sufficiently clear and detailed, APRA must appoint an independent person, approved by the ACCC, to prepare a report explaining the fee methodologies for the relevant licence category.

A copy of your letter of 18 June 2021, and this letter, will be placed on the ACCC's public register.

If you wish to discuss this matter further, please contact Darrell Channing on 02 6243 4925 or [darrell.channing@acc.gov.au](mailto:darrell.channing@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. de Kruiff', with a stylized flourish at the end.

Sheridan de Kruiff  
Joint General Manager (a/g)  
Competition Exemptions