

16 May 2019

Mr David Jones  
General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
By email: [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)

Dear Mr Jones

**Application for Interim authorisation pursuant to Section 91(2)(a)(iii) of the Competition and Consumer Act 2010 (Cth)**

We refer to our letter dated 6 May 2019 under cover of which we submitted an application on behalf of the members of our Translators and Interpreters Division for revocation of Authorisation A91402 and substitution of a replacement Authorisation pursuant to section 91C of the Competition and Consumer Act 2010 (the Act)

We confirm that Authorisation A91402 will expire on 26 June 2019.

An interim authorisation is sought pursuant to section 91(2)(a)(iii) of the Act on the same terms as A91402 for the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) to:

- a. collectively negotiate the terms of engagement for translators and interpreters who operate as independent contractors and provide interpreting and translating services to the various principal contractors and end-users with whom they contract, and
- b. to advise translators and interpreters in relation to what constitutes fair rates of pay and other terms of contracts for service.

The interim authorisation is sought for such period of time until APESMA's application for revocation of A91402 and substitution with a new Authorisation is determined by the Australian Competition and Consumer Commission.

APESMA provides the following reasons in support of our request for interim authorisation:

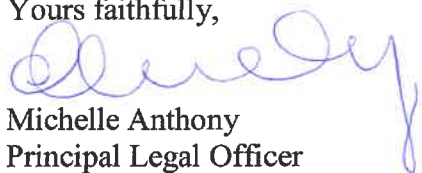
- a) we consider the members of our Translator and Interpreter Division to be a susceptible group, members of which operate as 'sole traders' and meet the Australian Taxation Office's definition of a small business entity' (a business having an annual turnover of less than \$10 million dollars). In fact

APESMA submits that the 2016 Census confirmed the median annualised income for translators and interpreters in Australia as being: a. translators: \$40,417, and b. interpreters: \$34,497.

- b) In APESMA's submission, it is vital to the ability of APESMA to continue its efforts to advocate on behalf of, and bargain for this susceptible group, that an interim authorization be granted to ensure APESMA can continue to engage in the conduct referred to in our abovementioned application dated 6 May 2019, without being in breach of the Act, should APESMA's application for a replacement Authorisation pursuant to section 91C of the Act not have been determined by the date A91402 expires on 26 June 2019.
- c) APESMA is a not for profit organization that provides advice and representation to our members with limited resources and as a result it has not been possible to complete all the requirements of an application pursuant to section 91C within a lesser timeframe.
- d) The language services marketplace will not change as the result of the grant of an interim authorization. A91402 has been in place for a period of 5 years and so the current status quo will be preserved with the grant of an interim injunction.
- e) The denial of our request for an interim injunction may impede APESMA's abilities to engage in collective bargaining on behalf of our Translator and Interpreter members at a vial stage when we are actually arranging throughout 2019 to engage with Language Service providers (LSPs) in constructive discussions with a view to improving the overall terms and conditions offered by Federal and State Governments and LSPs to translators and interpreters in Language Services market place.

Should you require further information or documentation in order the grant the replacement Authorisation, please do not hesitate to contact the writer by return email, or by calling 03 9695 8809 or 0401 935 064.

Yours faithfully,



Michelle Anthony  
Principal Legal Officer  
Association of Professional Engineers,  
Scientists and Managers, Australia

Ph: (03) 9695 8809

Email: [manthony@professionalsaustralia.org.au](mailto:manthony@professionalsaustralia.org.au)

Mail: GPO Box 1272, MELBOURNE VIC 3001