



Our ref: AA1000556  
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Dear Interested Party

## **Australian Directors' Guild application for authorisation – AA1000556 – Interested party consultation**

The Australian Competition and Consumer Commission (the **ACCC**) has received an application for authorisation from the Australian Directors' Guild (the **ADG**) on behalf of itself and its current and future members.

The ACCC invites you to comment on the ADG's application. This letter includes a short summary of the authorisation process, including how to make a submission to the ACCC.

### **Application for authorisation**

On 25 May 2021, the ADG applied for authorisation to collectively negotiate on behalf of its current and future members, to create new contracts or arrangements with current and future members of Screen Producers Australia (SPA) that contain model terms of engagement for feature film, television series, and television serials and give effect to these new contracts or arrangements

A copy of the application for authorisation is attached and available on the ACCC's [public register](#).

### **Request for interim authorisation**

On 13 August 2015, the ACCC granted authorisation A91499 to the ADG for substantially similar conduct. That authorisation expired on 4 September 2020.

Under the current application, the ADG is also seeking interim authorisation on behalf of itself and its current and future members to collectively negotiate its model agreement for Television Series and Serials with SPA. The ADG is not seeking interim authorisation to give effect to these model terms, or to collectively negotiate other model terms. The ADG is seeking interim authorisation to engage in this narrower conduct while the ACCC progresses its assessment of the substantive application for authorisation.

The ACCC endeavours to deal with interim authorisation requests quickly. In this instance, the ACCC proposes to make a decision on the request for interim authorisation at the time it makes its draft determination.

In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise from interim authorisation.

The ACCC decides whether to grant interim authorisation on a case-by-case basis and will usually consider a range of factors, including harm to the applicant and other parties if the interim is not granted, possible benefit and detriment to the public, the urgency of the matter, and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

## **Making a submission**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any public detriment from the proposed arrangements. The ACCC also invites you to make a submission on the request for interim authorisation. The purpose of this letter is to invite your comments as a party who may be interested in providing a submission to the ACCC about these arrangements.

If you intend to provide a submission, please do so by **25 June 2021**. Submissions should be emailed to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au) with the subject 'AA1000556 – Australian Directors' Guild – Submission'.

Alternatively, if you would like to provide comments orally, please contact Tom Whitby on 02 6243 1012 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for Excluding Information from the Public Register](#).

If you do not wish to make a submission at this time, but would like to be informed of the progress of the application, please provide a nominated contact email address for future correspondence. You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

## **Timetable**

An indicative timetable for the ACCC's assessment of the notification is set out below.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>25 May 2021</b>	Lodgement of application and supporting submission.
<b>3 June 2021</b>	Public consultation process begins.
<b>25 June 2021</b>	Closing date for submissions from interested parties.
<b>June/July 2021</b>	Applicant responds to issues raised in the public consultation process.
<b>July/August 2021</b>	Draft determination, including a decision on the request for interim authorisation.
<b>July/August 2021</b>	Public consultation on draft determination including any conference if called.
<b>August/September 2021</b>	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Tom Whitby on 02 6243 1012 or [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hatfield', is positioned above the typed name.

David Hatfield  
Director  
Competition Exemptions

## **Interested Party List**

ABC  
Amazon  
Apple Pty Ltd  
Australian Communications and Media Authority (ACMA)  
Australian Writers' Guild (AWG)  
Dendy/Icon  
Department of Infrastructure, Transport, Regional Development and Communications  
Disney  
Foxtel  
Madman Entertainment  
Media, Entertainment & Arts Alliance (MEAA)  
Nine Entertainment Co  
Roadshow  
SBS  
Screen Australia  
Screen Producers Australia  
Seven Network (operations)  
Stan  
Streamotion  
Studio Canal  
Ten Network  
Transmission Films  
Universal Pictures Australia