



Our ref: AA1000565
Contact officer: Steven Lee
Contact phone: (02) 6243 1347

10/09/2021

By email

Dear Sir/Madam

Commercial Radio Australia Application for Authorisation AA1000556 — Interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) is currently conducting a consultation process on an application for authorisation received from Commercial Radio Australia (**CRA**).

The ACCC invites you to comment on the application.

Background

CRA is seeking authorisation for 10 years, on behalf of itself and its current and future members (excluding Nine Entertainment), to bargain collectively with each of Facebook and Google concerning payment for content produced by those members and featuring on those platforms; to make and give effect to agreements arising from the collective negotiations; and to engage in discussions and exchange information regarding those negotiations (the **Proposed Conduct**).

The ACCC has issued a draft determination proposing to grant authorisation to the Proposed Conduct. The ACCC has also granted interim authorisation for CRA to commence collective bargaining while the ACCC considers the substantive application for authorisation.

Copies of the application for authorisation and the draft determination and interim authorisation decision are available on the ACCC's website: <https://www.accc.gov.au/public-registers/authorisations-and-notifications-registers/authorisations-register/commercial-radio-australia>.

The authorisation process

Authorisation provides protection from legal action for conduct that may otherwise breach the competition provisions of the *Competition and Consumer Act 2010* (Cth).

Broadly, the ACCC may grant authorisation if it is satisfied that the likely benefit to the public from the conduct outweighs the likely public detriment, including from a lessening of competition. The ACCC conducts a public consultation process to assist it to determine whether a proposed arrangement results in a net public benefit

Request for submissions

The ACCC invites you to make a submission on the application for authorisation. In making your submission, please provide information and evidence about the likely public benefits, effects on competition and any public detriment that you consider will result from the proposed conduct.

If you intend to provide a submission, please do so by **30 September 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000565 – Commercial Radio Australia – Submission'.

Alternatively, if you would like to provide comments orally, please contact Steven Lee on (02) 6243 1347 to organise a suitable time.

Your submission will be placed on the ACCC's public register unless you request and provide reasons for us to exclude part or all of the submission from the public register (see the [Guidelines for excluding information from the public register](#)).

You can 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 is set out below.

Indicative date	Stage in assessment process
16 August 2021	Application lodged.
25 August 2021	Public consultation process begins.
1 September 2021	Public consultation on interim authorisation closed.
10 September 2021	ACCC issues draft determination and grants interim authorisation.
30 September 2021	Closing date for submissions on draft determination.
October 2021	Applicant responds to draft determination and issues raised during public consultation.
October/November 2021	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Steven Lee on (02) 6243 1347 or via email at exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions