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Our ref: AA1000535
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Dear Interested Party

Screen Producers Australia (SPA) application for authorisation – AA1000535– Interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) has received an application for authorisation from SPA for it, and its current and future members, to:

- collectively negotiate model terms of engagement with the Australian Writers' Guild (**AWG**), Media Entertainment and Arts Alliance (**MEAA**) and the Australian Directors' Guild (**ADG**)
- give effect to existing contracts or arrangements containing model terms of engagement already negotiated with the AWG, MEAA and ADG
- create new contracts or arrangements with current or future members of the AWG, MEAA and ADG that contain existing model terms of engagement and to give effect to those new contracts or arrangements, and
- create new contracts or arrangements with current or future members of the AWG, MEAA and ADG that contain new model terms of engagement and to give effect to those new contracts or arrangements

(the **Proposed Conduct**).

The ACCC invites you to comment on SPA's application. In this letter is a short summary of the authorisation process, including how to make a submission to the ACCC.

Application for authorisation

On 18 November 2020, SPA applied for authorisation AA1000535.

SPA applied for authorisation for 10 years for it and its current and future members of SPA to engage in the Proposed Conduct.

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

Application for interim authorisation

On 13 August 2015, the ACCC granted authorisations A91484 and A91492 in respect of conduct substantially similar to the Proposed Conduct, and these expired on 4 September 2020.

Under the current application, SPA is also seeking interim authorisation to give effect to model terms of engagement agreed under previous authorisations A91484 and A91492 and to collectively negotiate new model terms with the AWG, MEAA and ADG, but not to create new contracts or arrangements with current or future members of the AWG, MEAA and ADG that contain new model terms of engagement or to give effect to those new contracts or arrangements.

SPA is seeking interim authorisation to engage in the above narrower conduct while the ACCC progresses its assessment of the substantive application for authorisation.

The ACCC endeavours to deal with requests for interim authorisation quickly. 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 interim is or 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.

Request for submissions

The ACCC invites you to make a submission to assist with its assessment of the application for authorisation, including the application for interim authorisation.

If you intend to provide a submission in relation to the application for authorisation please do so **by 18 December 2020**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Submissions in relation to the interim authorisation should be provided by **Monday, 7 December 2020**. Extensions are not normally granted for submissions on interim authorisation.

You should email submissions to exemptions@acc.gov.au with the subject 'Screen Producers Australia – AA1000535 – Submission'. Alternatively, if you would like to provide comments orally, please contact Mandy Bendelstein on 02 9102 4037 to organise a suitable time.

The ACCC will place any submissions, including a record of oral submissions, on the [ACCC public register](#) subject to any request for exclusion (see the [ACCC guidelines](#) for more information).

Timetable

The ACCC will progress its assessment of the application in a timely manner.

An indicative timetable is set out below for your information. The ACCC will post an up to date version (including any changes) on the public register.

Indicative date	Stage in assessment process
18 November 2020	Lodgement of application and supporting submission.
24 November 2020	Public consultation process begins.
7 December 2020	Closing date for submissions on interim authorisation.
Week of 14 December 2020	ACCC decision regarding interim authorisation.
18 December	Closing date for submissions on the application for authorisation from interested parties.
January 2021	Applicants respond to issues raised in the public consultation process.
February 2021	Draft determination.
February 2021	Public consultation on draft determination including any conference if called.
March 2021	Final determination.

Should you not wish to make a submission at this time, but would like the ACCC to update you at the draft and final determination stages, please advise and provide a nominated contact email address for future correspondence.

You may forward this letter to any other party who may wish to make a submission to the ACCC regarding the application. The ACCC will place this letter on the [ACCC public register](#).

If you wish to discuss any aspect of this matter, please do not hesitate to contact Mandy Bendelstein on 02 9102 4037 or at exemptions@acc.gov.au.

Yours sincerely



Susie Black
 Director
 Competition Exemptions