



Australian Competition & Consumer Commission

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Our Ref: C2004/763
Your Ref:
Contact Officer: Susan Sullivan
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30 June 2004

Ms Kate Haddock
Partner
Banki Haddock Fiora
Level 10, 179 Elizabeth Street
Sydney, NSW 2000

Dear Ms Haddock

**Applications for Authorisation A90918 to A90925 lodged by the Australasian
Performing Right Association Limited**

I refer to the above mentioned applications for revocation and substitution of authorisation lodged with the Australian Competition and Consumer Commission (the Commission) on 2 June 2004.

Request for interim authorisation

The Commission has considered the APRA's request for interim authorisation and has decided to grant interim authorisation to the standard arrangements for the acquisition and licensing of the performing rights in the APRA music repertoire and the distribution of royalties to members.

In making this decision the Commission considered that maintenance of the existing arrangements is preferable while it considers the merits of the applications for revocation and substitution. The Commission also noted that as the conduct has been operating for some time, denial of interim authorisation may cause marketplace disruption in this instance.

The Commission has granted interim authorisation until such time as it issues its draft determination on the substantive applications for revocation and substitution, at which time interim authorisation will be reconsidered.



The Commission's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the Commission.

In addition it is noted that that under subsection 91(2AB) of the *Trade Practices Act*, the Commission may revoke an interim authorisation at any time. The Commission may also impose conditions at any time.

Interested party consultations

As you are aware public consultation with interested parties commenced on 4 June 2004, a copy of this correspondence has been enclosed for your information. I note that a number of interested parties have requested that the Commission grant an extension to the period of consultation, it is anticipated that consultation will be completed by 30 July 2004. Once the Commission has received submissions from interested parties these will, subject to any claims for confidentiality, be placed on the Commission's public register and provided to you for your comment. You will be given the opportunity to respond in writing to any submissions received prior to the Commission proceeding to prepare a draft determination in relation to the applications.

A copy of this letter will be placed on the Commission's public register. In addition I also enclose for your information a copy of the letter which will be sent to interested parties informing them of the Commission's decision in relation to interim authorisation.

If you have any questions in relation to this letter please do not hesitate to contact Susan Sullivan on 02 6243 1354.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Palisi', with a stylized flourish at the end.

Paul Palisi
A/g General Manager
Adjudication Branch