

21 February 2006

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Gavin Jones
Director, Adjudications Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Mr Jones

Application for Authorisation by APRA

I refer to our telephone conversation of 15 February 2006 regarding the latest submissions by APRA dated 27 January 2006, in its authorisation application.

In that conversation, you requested confirmation in respect of the claims made in paragraphs 2.2 and 2.3 of those submissions.

As mentioned in our previous correspondence, TressCox Lawyers have been acting for the cinema operators in the proceedings in the Copyright Tribunal. We have made enquiries with TressCox, requesting them to confirm:

- (a) the details of the agreement as to the new rate under the licence scheme;
- (b) whether the agreed licence scheme will be a blanket licence scheme; and
- (c) whether APRA has made any indication that it intends to withdraw its reference to the Tribunal.

In response to our enquiries, TressCox has confirmed:

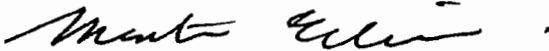
- (a) it is correct that APRA and the cinema operators have reached agreement as to the new rate under the licence scheme. However, in addition to the rate, the cinema operators had issues with a number of terms of the new licence that APRA filed as part of its reference to the Copyright Tribunal. The cinema operators have provided APRA with a number of requested changes to the terms of the licence and are waiting to receive a response;
- (b) the licence scheme being negotiated (referred to in (a) above) is a blanket licence; and

- (c) the Copyright Tribunal proceedings CT3 of 2002 have been adjourned by consent of APRA and the cinema operators until 7 April 2006. At this stage, TressCox have received no indication from APRA that it proposes to withdraw its reference to the Copyright Tribunal.

Please contact Margaret Brown on (07) 3119 6388 if you require any further information or assistance in respect of this matter.

Yours faithfully

MINTER ELLISON



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