



**Australian  
Competition &  
Consumer  
Commission**

GPO Box 520  
Melbourne Vic 3001

Level 35, The Tower  
360 Elizabeth Street  
Melbourne Vic 3000

tel: (03) 9290 1800  
fax: (03) 9663 3699

[www.accc.gov.au](http://www.accc.gov.au)

Our Ref: CB00059 – CB00066  
Contact Officer: Gina D'Ettorre  
Contact Phone: 03 9290 1483

16 December 2008

Mr Stuart Watters  
Chief Executive Officer  
Australian Independent Record Labels Association  
437 Spencer Street  
WEST MELBOURNE VIC 3003

Dear Mr Watters

**Collective Bargaining Notifications CB00059 to CB00066 lodged by Australian  
Independent Record Labels Association  
- interested party consultation**

I refer to the above collective bargaining notifications lodged with the Australian Competition & Consumer Commission (ACCC) by the Australian Independent Record Labels Association (AIR).

AIR proposes to collectively bargain, on behalf of participating members, with each of Telstra, Optus, BigPond, Austar, Foxtel, MTV Networks, XYZ Networks and Fuel TV in relation to licensing of its members' audio and visual rights in respect of public performance and transmission of music videos.

The ACCC considers that notifications CB00059 to CB00066 were effectively lodged on 15 December 2008. While completed forms and payment were received on 9 December 2008, AIR advised that the attachment to the forms providing evidence of members' consent to the applications being lodged on their behalf, provided on 9 December 2008, was a draft that had not been provided to AIR members for the purpose of obtaining their consent. AIR subsequently provided the correct consent form to the ACCC on 15 December 2008.

Accordingly, the ACCC considers the notifications to be validly lodged on the date AIR provided evidence of participating members' consent to the applications being lodged on their behalf, which was 15 December 2008.

I also note that Attachment Two to the Form GAs contains a list of 63 participating members. Company names, contact details and addresses are provided for 61 members. For two other members only an email address is provided. AIR has advised that as it has been unable to provide company names and addresses for these two parties it is happy for the collective bargaining group notifications to be considered as being lodged on behalf of the 61 members for whom names and addresses have been provided. Accordingly, the ACCC considers the notifications to be validly lodged on behalf of these 61 members.

*Interested party consultation*

Please find **attached** a copy of the letter that was sent to interested parties, together with a summary of the collective bargaining notification process. Other documents concerning the notifications will be made available on the public registers section of the ACCC's website: <http://www.accc.gov.au>.

Submissions, including oral comments, will be placed on the ACCC's public register, subject to any request for exclusion.

Absent ACCC objection, legal immunity conferred by the notifications will commence on **Monday, 12 January 2009**.

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 Gavin Jones on 03 9290 1475.

Yours sincerely

  
Dr Richard Chadwick  
General Manager  
Adjudication Branch