



**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/1687
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7 March 2010

Dear Madam/Sir

Australasian Performing Right Association Ltd - applications for revocation and substitution (A91187 to A91194) - interested party consultation

As you are aware, on 8 February 2010 the Australian Competition and Consumer Commission (ACCC) released a draft determination proposing to re-authorise the arrangements of Australian Performing Right Association Ltd (APRA) for the collective administration of musical performing rights in Australia for a further three years.

The ACCC proposed to grant re-authorisation subject to a condition requiring APRA to make processes to facilitate direct dealing between composers and music users less restrictive and to conditions requiring consideration of and reporting on alternatives to APRA's blanket licensing arrangements when a dispute is referred to APRA's dispute resolution process.

On 12 and 16 March 2010 APRA lodged with the ACCC further submissions in support of its application for reauthorisation of its arrangements.

The submissions include proposed amendments to the 'Licence-Back' provision in APRA's Constitution and additional proposed amendments to APRA's expert-determination process.

A copy of the submissions, including the licence-back provision and alternative dispute-resolution procedure, with proposed amendments marked up, are attached. With respect to the licence-back provisions, slightly different copies of which were provided with the submissions of 12 and 16 March, the changes APRA is now proposing are indicated in its 16 March submission.

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

I note that you have previously provided a submission about APRA's arrangements. The ACCC is now seeking your views, in particular about APRA's proposed amendments to its licence-back provisions and ADR procedure.

If you intend to make a submission, please do so by **23 March 2010**.

Alternatively, if you would like to provide comments orally, please contact John Rouw on (03) 9290 1402 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register, subject to any request for exclusion (guidelines are attached).

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the applications.

The ACCC expects to issue a final determination in this matter in April this year.

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 John Rouw on (03) 9290 1402.

Yours sincerely



Gavin Jones
Director
Adjudication Branch