



**Australasian Performing Right Association Ltd – application for  
revocation and substitution A91187-A91194 and A91211  
– request for interim authorisation**

**REASONS**

**DECISION**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation with respect to application for revocation and substitution A91187 to A91194 and A91211 lodged by the Australasian Performing Right Association Ltd (APRA) on 30 September 2009. Interim authorisation will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

**THE APPLICATION**

APRA is seeking re-authorisation for its arrangements for the acquisition and licensing of performing rights in Australia.

Further information regarding the application is available on the ACCC's public register at [www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)

**THE AUTHORISATION PROCESS**

The ACCC can grant immunity from the application of the competition provisions of the *Trade Practices Act 1974* (the Act) if it is satisfied that the benefit to the public from the conduct outweighs any public detriment. The ACCC conducts a public consultation process to assist it to determine whether a proposed arrangement results in a net public benefit.

**INTERIM AUTHORISATION**

Section 91 of the Act allows the ACCC to grant interim authorisation without making a decision on the merits of the application.

The ACCC will only grant interim authorisation in appropriate circumstances. In many circumstances it is not appropriate to do so because interim authorisation allows an applicant,

for a limited period, to engage in conduct before the ACCC has been able to fully assess whether the conduct satisfies the authorisation test.

#### **REASONS FOR DECISION**

APRA's arrangements have been authorised since 1999 and have not changed substantially in that time.

The ACCC considers that granting interim authorisation will preserve the status quo, allowing APRA, its members and licensees to continue to engage in these arrangements while the ACCC finalises its consideration of the merits of the substantive application for revocation and substitution.

#### **RECONSIDERATION OF DECISION**

The ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.

22 March 2010