



**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/1687-03
Contact Officer: John Rouw
Contact Phone: (03) 9290 1402

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

16 April 2010

Kate Haddock
Partner
Banki Haddock Fiora
Level 10
179 Elizabeth St
SYDNEY NSW 2000

Dear Ms Haddock

Australasian Performing Right Association Ltd – application for revocation and substitution of authorisations A91187 to A91194 and A91211 – final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for revocation and substitution of authorisations lodged by Australasian Performing Right Association Ltd (APRA).

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant conditional authorisation until 31 October 2013. The ACCC's assessment is set out in Chapter 4 of its determination.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 7 May 2010. If no application to review is lodged by this date, the ACCC's determination will come into force on 8 May 2010.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal (the Tribunal). The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>

Notification N94448

On 21 January 2010 APRA also lodged a third line forcing notification with the ACCC. The notification has been placed on the ACCC's public register.

APRA has stated that under its assignment of rights (membership agreement) and Article 17 of its Constitution, APRA acquires the performing right in all of a member's existing and future works, subject only to the provisions of Article 17.

On the basis of the information you have provided, it is not intended that further action be taken on this notification at this stage. As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the detriment to the public constituted by any lessening of competition likely to result from the conduct.

This assessment has been made on the basis that APRA discloses all relevant terms and conditions to members and prospective members.

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



for Richard Chadwick
General Manager
Adjudication Branch