

FILE No
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23rd November 2010

Richard Chadwick
General Manager
Adjudication Branch

GPO Box 3131
Canberra ACT 2601

Nightlife Music Video Pty Ltd
ABN 29 052 079 277

50 Cribb Street
PO Box 2135
Milton Qld 4064

tel 07 3367 1045

fax 07 3369 8376

sales 1800 679 748

support 1800 773 468

email talk2us@nightlife.com.au

visit www.nightlife.com.au

Dear Mr Chadwick:

Nightlife Music Video Pty Ltd (Nightlife) has recently received, as an interested party, the ACCC's notification for the Australian Hotels Associations Division (AHA) application for revocation of authorisation A90987 and substitution of new authorisation A91257.

Nightlife supports the application on the grounds that we feel that it will have no negative impact on our existing trading relationships with the AHA constituency. Nightlife has provided services to AHA members for over 20 years and tailors its services to suit individual needs and budgets depending on the client. Our product is fully scalable and as such, any collective negotiations would require consideration to the above and may not necessarily prove any more or less beneficial to the AHA's constituents than dealing directly with Nightlife on a client by client basis.

In addition to the above mentioned point, Nightlife believes that the capacity for the AHA to undertake collective bargaining processes can in fact also bring with it positive benefits to the broader community with particular emphasis on the interests to the owners of copyright. The Australian music industry is plagued with a proliferation of piracy both at the business to consumer end and also at the business to business end of the spectrum. There is without doubt widespread illegal downloading and file sharing occurring in the marketplace and subsequent commercial use on iPods and other MP3 devices. While this continues to occur, it creates an unstable environment for legitimate operators to conduct their day to day business activity.

It is Nightlife's view that when member based organisations such as the AHA are provided with a legitimate opportunity to represent their member's interests, the subsequent responsibility to ensure compliancy measures are adhered to becomes paramount. There are a range of instances whereby commercial business are also potentially offering services to AHA clients and are operating outside of the law. Re-authorisation then further creates an environment where legal exploitation of copyrights flourish and those operating outside of the law have diminished opportunities. Nightlife welcomes this whole heartedly.

Should you require any further input from Nightlife, please don't hesitate to contact us on the details provided below.

Best regards

Tina Smith-Roberts
CEO

