



**Australian
Competition &
Consumer
Commission**

Our Ref: C2012/969
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Sent via email

Dear Sir / Madam

Australian Writers Guild application for authorisation (A91339) - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Australian Writers' Guild Limited (AWG) on 24 October 2012.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

AWG is seeking authorisation on behalf of its members to collectively bargain the terms of engagement of freelance playwrights with the Major Performing Arts Board Theatres – including Bell Shakespeare Company, Black Swan State Theatre Company, Company B (Belvoir), Malthouse Theatre, Melbourne Theatre Company, Queensland Theatre Company, Sydney Theatre Company, South Australian State Theatre Company.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation. In particular, the ACCC is proposing to grant authorisation for ten years.

While AWG has sought authorisation for five years, the ACCC considers that as the benefits are likely to continue to outweigh any detriments over an extended period and that interested parties have not objected to the proposed conduct, it may be appropriate to grant authorisation for a longer period. The ACCC also notes that it has previously authorised AWG to engage in similar conduct with the Screen Producers Association of Australia¹.

The ACCC now seeks submissions from interested parties about this draft determination and in particular, the ACCC's proposal to grant authorisation for 10 years.

¹ Australian Writers' Guild Limited A91274, 25 January 2012.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **Wednesday, 13 February 2013**.

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **Wednesday, 13 February 2013**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
24 October 2012	Lodgement of application and supporting submission.
31 October 2012	Public consultation process begins.
23 November 2012	Closing date for submissions from interested parties.
7 December 2012	Applicant responds to issues raised in the public consultation process.
January 2013	Draft determination.
February 2013	Public consultation on draft determination including any conference if called.
March 2013	Final determination.

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 Gina D'Ettoire on 03 9290 1483 or at gina.dettorre@accc.gov.au

Yours sincerely

A handwritten signature in blue ink that reads "D Hatfield". The signature is written in a cursive style with a large initial "D".

David Hatfield
Director
Adjudication Branch