



AUSTRALIAN HOTELS ASSOCIATION

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21 October 2013

Dr Richard Chadwick,
General Manager,
Adjudication Branch ACCC,
GPO Box 3131
Canberra ACT 2601

Dear Dr Chadwick,

ACCC Interim Authorisation for APRA

We refer to your letter of the 15 October 2013 and to ACCC's intention to consider granting an interim authorisation for APRA's arrangements.

We support the general principle of granting of an interim authorisation subject to the conditions of authorisation C1 and C2 of the 2010 authorisation as outlined in your letter. Our support is given on the condition that the term of the interim authorisation is for a period until the 15 June 2014.

We would further submit that the interim authorisation should expire on or before the 15 June 2014 and require:

- APRA to publish on or before the 15 April 2014 as a single document, a comprehensive plain English guide that outlines all of the licence categories individually including the specified information in C3 and a simple single comprehensive plain English Licence Assessment Form and simple plain English Forms for each licence category.
- APRA to publish a single document detailing the revised ADR scheme as set out in C5 on before the 15 April 2014.
- ACCC to publish the ACCC Guidelines to assist Copyright Tribunal in the determination of copyright remuneration on or before the 15 April 2014.
- An additional pre-decision conference is held, if requested, on or before 15 May 2014 with respect to the APRA guides, Revised ADR Scheme and ACCC Guidelines.

If the publication of the abovementioned guides was a condition subsequent then any concerns a party has to the contents of the guides which impacts on the nature of the authorisation would not appropriately be dealt with until the next authorisation process.

It is clearly intended that the public detriment of the APRA monopoly be minimised by the introduction of APRA fair guides, APRA fair dispute resolution processes and the ACCC Copyright guidelines.

No great prejudice is suffered by parties if the interim authorisation period is set at 15 June 2014. AHA members and other users would be prejudiced if there was a shorter interim authorisation period. It would seem inconsistent with balancing the public benefit against public detriment if the fair guides, fair dispute processes and ACCC Copyright guidelines have not been finalised and taken into account when drafting the final authorisation determination.

AHA generally supports the principles for a future authorisation but prior to a final instrument being issued work requested above should be completed and considered.

Yours sincerely

A handwritten signature in black ink, appearing to read "Des Crowe". The signature is written in a cursive style with a large, stylized initial 'D'.

Des Crowe
National Chief Executive Officer