

22 October 2013

By E-Mail: adjudication@acc.gov.au

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Dr Chadwick

**Submission in response to the proposed interim authorisation of the
Australasian Performing Right Association Limited (APRA)
Application for Revocation of Authorisations A91187-A91194 & A91211
and Substitution of New Authorisations A91367-A91375**

Thank you for your letter of 15 October 2013 advising that the Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for re-authorisation (application for revocation and substitution) lodged by the Australasian Performing Right Association Ltd (APRA) on 30 April 2013.

We note that the ACCC is considering granting interim authorisation for APRA's arrangements, to ensure that they remain authorised when their present authorisation expires on 31 October 2013. LPA supports the granting of an interim authorisation but wishes to recommend that it be granted for an extended period until 15 June 2014.

The extended interim authorisation should be granted on the basis that the following proposed authorisation conditions are met:

- require APRA to publish, on or before 15 April 2014, as a single document, a comprehensive plain English guide that outlines all of the licence categories individually and includes other specified information (C3)
- require APRA, on or before 15 March 2014, to take certain steps to increase awareness of the licence back and opt out provisions provided by APRA, including publishing a plain English guide and launching an education campaign (C4)

We are aware that the Australian Hotels Association (AHA) has proposed a similar requirement around C5, as well as C3. Although LPA did not make any submissions with regard to the ADR process, we support the AHA's view that the proposed changes to the ADR process should also be made before the Final Determination is granted in June 2014.

We share the view of the AHA that a longer interim authorisation provides an opportunity for interested parties to review and comment upon the proposed plain English guides and education campaign before the final authorisation is granted. If the proposed Conditions are made conditions subsequent to the Final Determination, then there will be no opportunity for interested parties to comment on them in the context of an Authorisation process for a further three years.

There is no great detriment to interested parties if the interim authorisation is granted until 15 June 2014. Indeed, we agree with the AHA that it provides greater opportunity for the public detriment to be balanced against the public benefit if the plain English guides, education campaign and dispute processes have been finalised and taken into account before the Final Determination is made.

We also noted with interest the ACCC's comment at Point 46 of the Draft Determination that the ACCC is currently preparing revised Copyright Guidelines to assist the Copyright Tribunal in the determination of copyright remuneration which it will consult on. LPA looks forward to reviewing the draft Copyright Guidelines with interest and would appreciate confirmation from the ACCC regarding when it intends to commence the consultation phase.

Thank you for continuing to keep LPA informed of developments on this reauthorisation matter.

Yours sincerely



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