



**Australian
Competition &
Consumer
Commission**

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3 May 2013

Dear Sir/Madam

Australasian Performing Right Association Ltd application for revocation of authorisations A91187-A91194 & A91211 and substitution of new authorisations A91367-A91375 – interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for re-authorisation (application for revocation and substitution) received from the Australasian Performing Right Association Ltd (APRA) on 30 April 2013.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. 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.

Application for 're-authorisation'

The application for re-authorisation relates to APRA's standard arrangements for the acquisition and licensing of the performing rights in its music repertoire.

A copy of the application is available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Background

The ACCC previously granted conditional re-authorisation to these arrangements on 16 April 2010 until 31 October 2013.

The conditions of authorisation required:

- the expert appointed to consider disputes under APRA's alternative dispute resolution process to report whether APRA has offered genuine licensing alternatives to accommodate or reflect direct dealing and
- APRA to report to the ACCC annually on the outcome of disputes with users considered under the alternative dispute resolution process.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Further, the ACCC invites you to outline your general experience of the arrangements during the term of the previous authorisation. The ACCC would also welcome your views on the public benefits and detriments you consider have actually resulted from the arrangements during the previous authorisation period.

If you intend to provide a submission in relation to APRA's application for re-authorisation please do so by **24 May 2013**.

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 progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

| Indicative date | Stage in assessment process |
|------------------------|--|
| 30 April 2013 | Lodgement of application and supporting submission. |
| 3 May 2013 | Public consultation process begins. |
| 24 May 2013 | Closing date for submissions from interested parties. |
| June 2013 | Applicant responds to issues raised in the public consultation process. |
| June/July 2013 | Draft determination. |
| July/August 2013 | Public consultation on draft determination including any conference if called. |
| September/October 2013 | Final determination. |

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Tess Macrae on (03) 9290 1835 or Michael Drake on (03) 9658 6517.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch

Interested Party List for revocation of authorisations A91187-A91194 & A91211 and substitution of new authorisations A91367-A91375

ABACUS

ABL State Chamber

ACT Department of Justice & Community Safety - Liquor & Adult Services Regulation

ACT Office of Fair Trading

AIR

Apple Pty Ltd

ARIA

Arts ACT

Arts Law Centre of Australia

Arts Victoria

Association of Northern, Kimberley & Arnhem Aboriginal Artists

Attorney Generals Department (IP Branch)

Ausdance (VIC)

Austar United Communications Ltd

AUSTRADE

Australasian Association of Campus Activities

Australasian Bowling Proprietors Association Ltd

Australia Council

Australian Association of Practice Managers QLD branch

Australian Automobile Dealers Association of Australia (also Australian Motor Industry Federation)

Australian Booksellers Association

Australian Broadcasting Corporation

Australian Chamber of Commerce & Industry

Australian Chamber of Commerce & Industry

Australian Communications and Media Authority

Australian Copyright Council

Australian Country Music Foundation

Australian Dental Association

Australian Dental Association NSW

Australian Dental Association NT

Australian Dental Association QLD

Australian Dental Association SA

Australian Dental Association TAS

Australian Dental Association WA

Australian Digital Alliance

Australian Entertainment Agents Association Inc

Australian Entertainment Industry Association (aka Live Performance Australia)

Australian Federation of Employers and Industries

Australian Federation of Travel Agents

Australian Film Institute

Australian Fitness Network
Australian Guild of Screen Composers
Australian Hotels Association ACT/ Naitonal
Australian Hotels Association NT
Australian Hotels Association SA
Australian Hotels Association VIC
Australian Hotels Association WA
Australian Interactive Media Industry Association
Australian Libraries Copyright Committee, Australian Digital Alliance
Australian Liquor Stores Association
Australian Local Government Association
Australian Medical Association
Australian Medical Association - Tasmanian Branch
Australian Medical Association - Victorian Branch
Australian Mobile Telecommunications Association
Australian Music Association Inc
Australian Music Centre Ltd
Australian Music Publishers Association Ltd
Australian Music Retailers Association
Australian Physiotherapy Association NAT office
Australian Physiotherapy Association NSW & ACT
Australian Retailers Association
Australian Retailers Association of New South Wales
Australian Retailers Association of Victoria
Australian Screen Sound Guild
Australian Society of Authors
Australian Songwriters Association Inc
Australian Subscription Television & Radio Association
Australian Teachers of Dancing (ATOD)
Australian Veterinary Association
Australian Video Rental Retailers Association
Bicycle Industries Association
BigPond Music
Bjelke Peterson Bros Pty Ltd (Bjelke Peterson Physical Culture)
BPW Australia
Bus Association of VIC
CAAMA
Caravan and Camping Industry Association NSW (CCIA)
Caravan, RV & Accommodation Industry of Australia
Chiropractors Association of Australia (National) Limited Choice
Clubs ACT
Clubs Australia
Clubs NSW

Clubs QLD
Clubs SA
Clubs VIC
Clubs WA
CMAA
Collarts
Commercial Radio Australia
Communications Law Centre
Community Broadcasting Association of Australia
Consumer Affairs - Department of Justice -Northern Territory
Government
Consumer Affairs Victoria
Consumers Federation of Australia
Contemporary Country Music Coalition
Contemporary Music Services Tasmania
Convenience and Mixed Business Association
Copyright Advisory Group
Copyright Agency
Council of Small Business Organisations of Australia
Creative Commons Australia
Department of Broadband, Communications and the Digital
Economy
Department of Communications, Information Technology and the
Arts
Department of Culture and the Arts
DMD
DMX Music Mood Media
EM Stream Technologies (changing to Playcom)
EMI Music Australia Pty Ltd
Fellowship of Australian Composers Inc, The
Fitness Australia
Fitness First
Foxtel Management Pty Ltd
Free TV Australia
Girl Guides Australia
Gold Coast Music Industry Association
Google Play
Goolari Media Enterprises Pty Ltd
Hair & Beauty Australia Industry Association
Hairdressing and Beauty Industry Association
Hardware Federation of Australia
Hawkesbury Business Advisory Centre
Hotel, Motel & Accomodation Association of Australia
Hoyts Cinemas (including Australian Multiplex Cinemas)
Indent

Independent Cinemas Association of Australia
International Association of the Study of Popular Music
Jarrah Records
Jazz SA Inc
JB HiFi Group Pty Ltd
Law Consumers Association
Liquor Stores Association WA
Live Performance Australia
Marketing Melodies
Medical Consumers Association NSW
Meetings & Events Australia
Melbourne Composers League
MIA International
Minter Ellison
Motor Trades Association of NSW
Motor Trades Association of QLD
Motor Trades Association of WA
MTV Networks Australia Pty Ltd
Mushroom Music Pty Ltd
Music Council of Australia
Music Council of Australia
Music NT
Music SA
Music Victoria
Musicians Union of New South Wales/Australia
MusicNSW
MusicOz
National Electrical and Communications Association NAT office
National Electrical and communications Association VIC
National Independent Retailers Association Inc
National Meat Association of Australia
National Retail Association
National Speakers Association of Australia
Network Video
Newsagents Association of NSW and ACT Ltd
North Coast Entertainment Industry Association
Office of Consumer & Business Affairs
Office of Fair Trading Queensland
Omnifone
Optometrists Association Australia
Optus Vision Pty Ltd
Pandora Media Australia Pty Ltd
Pharmacy Guild of Australia
PPCA

Professional Hairdressers Association
Property Council of Australia House
Qmusic
Queensland Retail Traders & Shopkeepers Association
Real Estate Institute of Australia
Real Estate Institute of SA
Real Estate Institute of VIC
Restaurant & Catering Association Australia & NSW
Retail Cycle Traders Association of Australia
Retail Traders' Association of WA
Satellite Music Australia
SBA Music
SCALA
Screensound
Services Clubs Association
Shopping Centre Council of Australia
Small Business Association of Australia
Smart Licence
Songsalive!
Songwriting Society of Australia
Sony Music Entertainment (Australia) P/L
Southern Cross Austereo
SPAA
Special Broadcasting Services
Subiaco Business Association
Support Act Limited
Tamworth Songwriters Association
Tasmanian Hospitality Association
Telstra Corporation Ltd
The Leagues' Club Association of NSW
The Push Inc
Timber Merchants Association
Universal Music Australia P/L
Victorian Authorised Newsagents Association Ltd
Victorian Caravan Parks Association (VIC Parks)
VISCOPY Limited
WAM
Western Australian Accredited Newsagents Association INC
Winemakers Federation of Australia
Yoga Teachers Association of Australia
Yothu Yindi Foundation