



**Australian
Competition &
Consumer
Commission**

Our Ref: 53575
Contact Officer: Anna Giannakos
Contact Phone: (03) 9290 6920

GPO Box 3131
Canberra ACT 2601

12 February 2014

23 Marcus Clarke Street
Canberra ACT 2601

Ms Michelle Anthony
National Legal Officer
Association of Professional Engineers, Scientists & Managers, Australia

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

By email: manthony@apesma.com.au

Dear Ms Anthony

**Re: Association of Professional Engineers, Scientists & Managers, Australia -
Application for authorisation A91402 - interested party submissions**

I refer to the above application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 December 2013.

As you are aware, on 8 January 2014 the ACCC wrote to interested parties seeking submissions in relation to the application. The ACCC requested submissions be provided by 4 February 2014. An extension was granted to a few interested parties until 11 February 2014.

The ACCC has received submissions from the following interested parties:

- Australian Institute of Interpreters and Translators
- Australian Association of Language Companies
- Victorian Interpreting and Translating Service
- Commonwealth Department of Immigration and Border Protection
- Australian Sign Language Interpreters Association Inc
- Oncall Interpreters and Translators
- National Accreditation Authority for Translators and Interpreters

A copy of each of these submissions is attached. All publicly available submissions are also posted on the ACCC internet site at www.accc.gov.au/AuthorisationsRegister.

If you wish to comment on the submissions, please do so by **19 February 2014** and address the comments to adjudication@accc.gov.au

Request for further information

APESMA has indicated that it seeks authorisation to:

- (a) collectively negotiate the terms of engagement for current and future APESMA translator and interpreter members who operate as independent contractors and provide interpreting and translating services to the various principal contractors (typically referred to as 'agencies') with whom they contract, and
- (b) to advise translators and interpreters in relation to what constitutes fair rates of pay and other terms of contracts for service.

To assist in its assessment of APESMA's application for authorisation, the ACCC requires additional information below, in order to better understand the claimed benefits and to assess the extent to which any potential anti-competitive detriment may arise from the conduct.

1. Please identify the process(es) by which APESMA will communicate with its members the terms of engagement and rates of pay resulting from collective negotiations with agencies, including:
 - a. How this will be communicated?
 - b. Will this information be publically available, or restricted to APESMA members?
 - c. Will 'fair rates of pay' be communicated in terms of:
 - i. Hourly rates of pay in specific circumstances?
 - ii. A range of pay applicable in specific circumstances?
 - iii. Nominated factors to assist members in formulating their own rates of pay?
 - d. Will members be obligated to implement these contractual terms and rates of pay, or will this information be provided to members on an advisory basis?
2. Is there potential for such terms of engagement to become industry standard, including standardised fee structures across the industry?
3. How will the collective bargaining process enforce stricter compliance with the AUSIT Code of Ethics and Code of Conduct?
4. Has APESMA recently changed its legal name? If so, please advise the ACCC of the new legal entity for which authorisation is now sought.

Please provide the information requested above by **20 February 2014**. Please note in your response any aspects which you would like to be excluded from the ACCC's public register. Subject to any claims for confidentiality, once we have received your response, this letter and your response will be placed on the ACCC's public register and should be addressed to adjudication@acc.gov.au

If you wish to discuss any aspect of this matter, please do not hesitate to contact Anna Giannakos on (03) 9290 6920.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Dalins', is positioned above the typed name.

Marie Dalins
Director
Adjudication Branch