



**Australian  
Competition &  
Consumer  
Commission**

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16 April 2014

Dear Sir/Madam

**Association of Professional Engineers, Scientists and Managers, Australia (APESMA)  
A91402 - Draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by APESMA on 23 December 2013.

The APESMA is seeking authorisation to:

- a. collectively negotiate the terms of engagement for translators and interpreters who operate as independent contractors and provide interpreting and translating services to the various principal contractors and end-users with whom they contract. The authorisation is sought on behalf of current and future members of APESMA's Translator and Interpreter Division, and
- b. to advise translators and interpreters in relation to what constitutes fair rates of pay and other terms of contracts for service.

Although APESMA has sought authorisation to collectively bargain on behalf of its members through a single negotiation, APESMA submits that this is unlikely to eventuate. Rather, individuals will continue to be presented with individual agreements by agencies who tender for contracts to provide translating and interpreting services to end-users (typically for hospitals, legal services and social services).

APESMA submits that in advising members what may constitute a fair rate of pay, it will provide members with salary survey information including a range of remuneration that professionals are earning, broken down by seniority level, geographical area and type of employer. The expectation is that APESMA members will rely on this information to arrive at what they consider a fair rate of pay will be in their individual circumstances and negotiate with their principle contractor accordingly.

**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 for five years.

### 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'.

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 **30 April 2014**.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **2 May 2014**. "Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91402 – APESMA – submission".

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.

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 these applications.

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
23 December 2013	Lodgement of application and supporting submission.
8 January 2014	Public consultation process begins.
16 April 2014	Draft determination.
30 April 2014	Deadline for requesting pre-decision conference.
2 May 2014	Submissions on draft determination.
June 2014	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 Anna Giannakos on (03) 9290 6920 or at [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

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