



**Australian
Competition &
Consumer
Commission**

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4 June 2014

Dear Sir/Madam

**Association of Professional Engineers, Scientists and Managers, Australia (APESMA)
A91402 – Final determination**

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

APESMA sought 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.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation until 26 June 2019.

Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 25 June 2014. If no application to review is lodged by this date, the ACCC's determination will come into force on 26 June 2014.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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.

Yours sincerely



Marie Dalins
Director
Adjudication Branch