



**Australian
Competition &
Consumer
Commission**

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6 June 2014

Dear Sir/Madam

Australasian Performing Right Association Ltd application for revocation and substitution A91367 - A91375 - final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by the Australasian Performing Right Association Ltd (APRA) on 30 April 2013.

APRA sought reauthorisation for its standard arrangements for the acquisition and licensing of the performing rights in its music repertoire.

A copy of the ACCC's determination and summary of its reasons is attached. The ACCC's assessment is set out in the 'ACCC evaluation' and 'Conditions' chapters of its determination.

For the reasons set out in its determination, the ACCC has decided to grant conditional authorisation for five years until 28 June 2019. The conditions of authorisation require APRA to:

- publish, within 3 months of the ACCC's final determination, including as a single document, a comprehensive plain English guide that outlines all of the licence categories individually and includes other specified information (condition C1)
- within 3 months of the ACCC's final determination, 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 (condition C2)
- implement a revised ADR scheme (condition C3) to be managed by an independent facilitator. The scheme must offer informal resolution, mediation, expert opinion and binding determination to APRA licensees and members. The ADR scheme must incorporate a consultative committee to provide feedback and other advisory input to APRA and to the facilitator. This condition incorporates the key features of APRA's existing expert determination process and the conditions which were imposed in 2010, including the ADR reporting requirements. APRA must arrange an independent review of the ADR scheme after it has been in operation for three years.

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 (the Tribunal) for a review of the determination. An application for review must be made within 21 days of the

date of this determination; that is, on or before 27 June 2014. If no application for a review is lodged by this date, the ACCC's determination will come into force on 28 June 2014.

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

For further information about the Tribunal's process to hear applications for review of ACCC determinations please refer to the Tribunal's website at 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 Tess Macrae on (03) 9290 1835.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch