

Friday, 17 April 2015

Via email: adjudication@acc.gov.au; Georgina.brett@acc.gov.au

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
23 Marcus Clarke Street
CANBERRA ACT 2601

Dear Dr Chadwick,

Re: Application for Authorisation by Screen Producers Australia


We refer to Screen Producers Australia's (*SPA*) application form A for authorisation in respect of exclusionary provisions or cartel provisions which stated that "*it could be alleged that the model terms of engagement and the discussions leading up to them are arrangements or understandings between competing screen producers that have the purpose of preventing, restricting or limiting the acquisition and/or supply of services from or to particular persons being writers, producers, actors, directors and technical crew, on particular minimum conditions.*"

We confirm that SPA's application for authorisation in respect of exclusionary provisions or cartel provisions relates solely to the circumstances of engagement and discussions between competing producers in preparation of the various model terms and the model terms themselves. It does not refer to any agreement or understanding outside the model terms themselves which could be regarded as collective action with the purpose of preventing restricting or limiting acquisition and/or supply of services from or to particular people associated with the implementation of the terms.

The model terms are in principle minimum terms in nature and do not preclude negotiations between the parties for variations on the model terms. The model terms do not prevent non-member producers from negotiating their own agreements with the same organisations or with employees and contractors.

Please do not hesitate to contact us if you require further information.

Yours sincerely,



Mark Donaldson
Manager, Legal and Business Affairs