



15 May 2015

Australian Competition & Consumer Commission
GPO BOX 3131
CANBERRA ACT 2601

By email: adjudication@acc.gov.au

Dear Sir / Madam

A91484 & 91492 – SCREEN PRODUCERS AUSTRALIA - SUBMISSION

Thank you for the opportunity to make a submission in relation to the application for authorisation by the Screen Producers Australia (**SPA**) as described in your letter dated 20 April 2015.

Nine Network is one of Australia's largest commercial free-to-air television broadcasters. As part of its business, Nine Network acquires, funds, broadcasts and distributes both domestically and internationally a significant volume of original Australian content. Nine Network commissions this content for production by independent producers as well as producing this content in-house.

Nine Network's concern with SPA's application to collectively negotiate model terms of engagement with the Australia Writers' Guild (**AWG**), Media Entertainment and Arts Alliance (**MEAA**) and Australia Directors Guild (**ADG**) is that these agreements often have a detrimental impact on the cost of production and Nine Network's ability to effectively broadcast and distribute content. This is because producers that are members of SPA must pass onto Nine Network those model terms of engagement which SPA agrees with each of AWG, MEAA and ADG (including, for example, rights which may be acquired from members of AWG, MEAA and ADG and residuals payable to them).

Additionally, such model terms of engagement become the framework upon which Nine Network engages actors, writers and directors for its in-house drama productions.

The consequence of this for our audiences is that Nine Network's ability to fund new productions and access to content is often compromised.

We would welcome the opportunity to discuss these concerns with you further.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kim Kevans', written over a light blue horizontal line.

Kim Kevans
Head of Business Affairs
Nine Network Australia

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