

Blanch, Belinda

From: Jacqueline Elaine
Sent: Wednesday, 3 June 2015 11:57 AM
To: Adjudication
Subject: Re: ACCC consultation - Screen Producers Australia - Applications for Authorisation A91484 & A91492

Categories: Submission

Dear Ms Brett

Thank you for your time recently discussing the AWG position on the SPA application for ACCC authorisation.

As discussed, the AWG does not object in principal to SPA's request for authorisation. That said, the AWG requests that the ACCC to consider in its deliberations the following:

1. **Harmonisation with the existing AWG Authorisation**, particularly with regard to the periods of the respective authorisations. The language, terminologies and business context changes over time, as it has done since the AWG authorisation was sought, and terms which were not required or considered in our application, but which are included in SPA's request are now relevant. Similarly by the time the SPA authorisation has been finalized, it will be time for the AWG to make a new request for authorisation to the ACCC. Therefore we would like to request the ACCC give some thought to how we might best achieve a harmony of timing, to better provide for the harmony of content. In particular, could you please give consideration as to how the AWG and SPA authorisation periods could be aligned, perhaps by the extension of the existing AWG Authorisation to coincide with the conclusion of an authorisation for SPA if granted.
2. **Harmonisation of scope of negotiation**. While we understand that if the SPA authorisation is granted there is considerable scope for what may or may not be included in negotiations, we note that the existing AWG Authorisation and the existing agreements between AWG and SPA, all include reference to terms in relation to travel, accommodation and per diems, which SPA has not included in the scope of the potential agreement to be negotiated with the AWG. We think this is anomalous and would request harmonisation between the existing authorisation and agreements and the SPA authorisation to ensure, for the avoidance of doubt, that the existing agreements sit comfortably with the SPA authorisation if granted.
3. **Membership**. We note that SPA represents its members as predominantly independent producers. For the avoidance of doubt, we would like to ensure that international production companies operating in Australia will be covered by SPA's authorisation as they constitute the bulk of employment of our members, screen writers in Australia. We also understand that they are likely to be SPA members.
4. **Non-member use of the agreements**. We note that SPA wishes to actively promote and licence the agreements negotiated under the ACCC Authorisation to non-members of SPA and the AWG. Could you please give consideration as to whether the ACCC has a position on the fact that agreements being actively promoted and licensed to third parties who have actively chosen not to be members of either organisation, and if so, whether it should please be addressed in the application.

Thank you for your consideration of the matters outlined above. If you have any questions please do not hesitate to contact me.

We understand that our submission is to be made publicly available on your website. We have no objection.

We look forward to receiving the draft determination in due course.

Kind regards

Jacqueline Elaine

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