

22 February 2017

Mr David Jones
Executive General Manager
Australia Competition and Consumer Commission

BY EMAIL: david.jones@accc.gov.au

Dear Mr Jones,

Re: Australian Writers' Guild (AWG) application for an interim authorisation and application for revocation of a non-merger authorisation and substitution of a new authorisation

We refer to recent correspondence regarding the above application dated 3 February 2017 and subsequent discussions between the ACCC and Screen Producers Australia.

The AWG has been operating under an ACCC authorisation dated 25 January 2012 in respect of collective bargaining of model terms of engagement on behalf of current and future members with Screen Producers Australia. This authorisation is due to expire on 28 February 2017.

Screen Producers Australia has been operating under an ACCC authorisation dated 13 August 2015 in respect of collective negotiation of model terms of engagement with the AWG, the Media Entertainment and Arts Alliance and the Australian Directors Guild. This authorisation is in effect until 4 September 2020.

The AWG's application dated 3 February 2017 covers 2 main areas:

1. A request for an interim authorisation for the period between 28 February 2017 and the conclusion of the ACCC's decision making process on the new authorisation request; and
2. The revocation of a non-merger authorisation and substitution of a new authorisation.

Application for Interim Authorisation

Screen Producers Australia does not object to the AWG being granted an interim authorisation subject to the authorised dealing being limited to collective bargaining of model terms of engagement on behalf of current and future AWG members with Screen Producers Australia. This will ensure the ongoing public benefits determined by the ACCC under the AWG's 25 January 2012 authorisation and Screen Producers Australia's 13 August 2015 authorisation.

For the avoidance of doubt, Screen Producers Australia objects to the interim authorisation covering the proposed expansion to include:

- producers who receive funding from Screen Australia or who benefit from the producer offset tax rebate which is administered by Screen Australia;

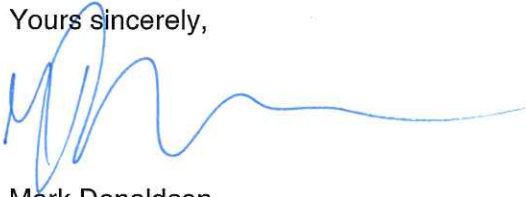
- producers who receive funding from Screen Australia or the various state and territory funding bodies.

Application for revocation of a non-merger authorisation and substitution of a new authorisation

We note the timetable set out by the ACCC requires submissions on substantive authorisations by 28 February 2017. Given that the AWG's proposed conduct is expanded and the reasons and purpose for such expansion are vague, Screen Producers Australia requests an extension of time to make a submission in response to the AWG's application to 7 April 2017.

This will allow Screen Producers Australia the opportunity to consult its membership, the AWG, other industry stakeholders and obtain legal advice prior to providing a response.

Yours sincerely,



Mark Donaldson
Manager, Legal and Business Affairs

cc: Darrell Channing
Natalie Morton