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Our ref: AA1000637
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10 May 2023

By email

Dear Interested Party

Live Performance Australia - application for authorisation AA1000637—draft determination & interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Australian Entertainment Industry Association (trading as **Live Performance Australia**) on 7 March 2023.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to enable Live Performance Australia to negotiate with the Australasian Performing Right Association, the Phonographic Performance Company Australia and OneMusic Australia, on behalf of members with respect to the acquisition of copyright licences. The ACCC proposes to grant authorisation for 10 years.

The ACCC has also granted interim authorisation to enable Live Performance Australia to commence its representations on behalf of members while the ACCC is considering the substantive application for authorisation.

A copy of the ACCC's draft determination and interim authorisation is attached and also available on the ACCC's [authorisations public register](#).

Next steps

Once the ACCC issues a draft determination, Live Performance Australia or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **24 May 2023**. Submissions should be lodged via the web form accessible on the [public register](#). If you prefer to make an oral submission, please contact Naomi Lizak via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **24 May 2023** by email to exemptions@acc.gov.au.

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
7 March 2023	Lodgement of application and supporting submission.
17 March 2023	Public consultation process begins.
10 May 2023	ACCC decision regarding interim authorisation and draft determination.
May/June 2023	Public consultation on draft determination including any conference if called.
June/July 2023	Final determination.

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 Naomi Lizak on (03) 9290 1493 or exemptions@acc.gov.au.

Yours sincerely



Tess Macrae
Director
Competition Exemptions