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19/10/2023

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By email

Dear Interested Party

### **Australian Writers' Guild Authorship Collecting Society Limited - application for authorisation [AA1000642]—draft determination**

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation lodged by Australian Writers' Guild Authorship Collecting Society Limited (**AWGACS**) on 25 May 2023.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to AWGACS for ten years, to enable AWGACS to amend its constitution to require all current and future members, as a condition of their membership, to assign their rights to receive Secondary Royalties to AWGACS.

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

### **Next steps**

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

Due to receiving late submissions prior to the release of the ACCC's draft determination, the ACCC has set short timeframes for responses in order to meet the statutory deadline of releasing a final determination by 25 November 2023.

If this timeframe will pose an issue in lodging a submission with the ACCC, please notify us at your earliest convenience, as the ACCC may, with the consent of the applicant, extend the statutory deadline for its assessment of this application for authorisation.

### **Making a submission**

Submissions should be lodged via the web form accessible on the public register page for this matter. Alternatively, if you would like to provide comments orally, please contact Anna Pound 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 please notify the ACCC in writing by **30 October 2023** by email to [exemptions@acc.gov.au](mailto: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
<b>25 May 2023</b>	Lodgement of application and supporting submission
<b>7 June 2023</b>	Public consultation process begins
<b>19 October 2023</b>	Draft determination
<b>30 October 2023</b>	Submissions on draft determination due, including any request for a conference
<b>November 2023</b>	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 Anna Pound on (03) 9290 6920.

Yours sincerely



David Hatfield  
Director  
Competition Exemptions