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Dear interested party

The Recruitment, Consulting & Staffing Association Limited (RCSA) application for revocation of authorisation A91388 and substitution of new authorisation AA1000435 – interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for revocation and substitution received from RCSA on 6 February 2019.

RCSA seeks revocation of authorisation for its Professional Conduct Regime, which RCSA currently administers through its *Code of Professional Conduct, Disciplinary and Dispute Resolution Procedures* and relevant clauses of the RCSA Constitution and By Laws.

The proposed substitution includes a new version of RCSA's code (the *Code for Professional Conduct*) and the new *Professional Conduct Grievance Intervention Guidelines* as well as relevant clauses of the RCSA Constitution and By-Laws.

RCSA seeks authorisation for a period of 10 years. For the initial 12 months of this period, the Code present in RCSA's most recent authorisation would apply, with the new Code then authorised for the 9 years following this initial 12 month period.

The ACCC has granted authorisation on three separate occasions to RCSA for similar conduct. Each authorisation was for a period of five years. RCSA's most recent authorisation commenced on 12 February 2014 and expires on 6 March 2019.

A copy of the application is available on the ACCC's website www.acc.gov.au/AuthorisationsRegister.

Interim authorisation

RCSA has requested interim authorisation as the ACCC is unable to make a final determination on RCSA's application for revocation and substitution before RCSA's existing authorisation expires on 6 March 2019.

RCSA applies for interim authorisation to continue to use elements of its currently authorised Professional Conduct Regime, which includes:

- The current Code of Professional Conduct
- Relevant clauses of RCSA's Constitution and By-Laws.

Interim authorisation is also proposed to include the new *Professional Conduct Grievance Intervention Guidelines*, which is not included under the current authorisation.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim is or is not granted
- possible benefit and detriment to the public of granting interim authorisation
- the urgency of the matter
- whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to RCSA's **request for interim authorisation** please do so no later than **19 February 2019**.

Submissions on the substantive **application for revocation and substitution of authorisation** should be provided by **13 March 2019**.

All submissions should be emailed to adjudication@acc.gov.au with the subject "AA1000435 – RCSA – submission".

Alternatively, if you would like to provide comments orally, please contact Simon Bell on 02 6243 1232 or Alex Reed on 02 6243 1364 to organise a suitable time.

Submissions, including oral 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](#).

Timetable

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

6 February 2019	Lodgement of application and supporting submission, including request for interim authorisation.
13 February 2019	Public consultation process begins.
19 February 2019	Closing date for submissions on interim authorisation.
21 February 2019	Applicant responds to issues raised in the public consultation process on interim authorisation.
February/March 2019	ACCC decision regarding interim authorisation.
13 March 2019	Closing date for submissions from interested parties on the substantive application for authorisation.
20 March 2019	Applicant responds to issues raised in the public consultation process.
April 2019	Draft determination.

April/May 2019

Public consultation on draft determination including any conference if called.

June/July 2019

Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Simon Bell on 02 6243 1232, Alex Reed on 02 6243 1364 or adjudication@acc.gov.au.

Yours sincerely



Marie Dalins
Director
Adjudication