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Interested Party
By email

Dear Sir/Madam

The Recruitment, Consulting and Staffing Association (RCSA) application for revocation of authorisation A91388 and substitution of new authorisation AA1000435 – draft determination

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for re-authorisation lodged by RCSA on 6 February 2019 concerning its Professional Conduct Regime, which includes provisions that enable RCSA to impose sanctions against members for non-compliance and to refuse membership applications.

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

The proposed substitution includes a new Code of Professional Conduct (**Code 5**) and the new Professional Conduct Grievance Intervention Guidelines (**PCGIG**) as well as relevant clauses of the RCSA Constitution and By-Laws as previously authorised.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for five years for RCSA's amended Professional Conduct Regime.

The ACCC has granted authorisation on three separate occasions to RCSA for similar conduct. Each authorisation was for a period of five years. As RCSA's most recent authorisation expired on 6 March 2019, the ACCC granted interim authorisation on 28 February 2019 to allow RCSA to continue to administer its existing Professional Conduct Regime.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is available on the ACCC's [public register](#).

Specifically, the ACCC proposes to grant authorisation to RCSA for:

- 12 months in respect of its Old Code and DDRP.
- Five years commencing from the date of authorisation for the PCGIG and the new Code 5.

- Five years commencing from the date of authorisation, in respect of specific clauses of RCSA's Constitution and By-Laws, identical to those previously authorised.

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'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **21 June 2019**. Submissions should be emailed to adjudication@acc.gov.au with the subject "AA1000435 – RCSA – submission". If you prefer to make an oral submission, please contact Alex Reed via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference 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 the draft determination. If a conference is called in this matter 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 **21 June 2019**.

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
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
28 February 2019	ACCC decision regarding interim authorisation
13 March 2019	Closing date for submissions on substantive application for authorisation

20 March 2019	Applicant responds to issues raised in the public consultation process on substantive application for authorisation.
6 June 2019	Draft determination.
June/July	Public consultation on draft determination including any conference if called.
July/August	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 Alex Reed on 02 6243 1364.

Yours sincerely



Susie Black
Director
Adjudication