



Australian Competition & Consumer Commission

Ref: C2003/1139
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25 September 2003

Mr Simon Snow
Gilbert + Tobin
GPO Box 3810
SYDNEY NSW 2000

Dear Mr Snow

Trade Practices Act 1974
Application for Authorisation No A30230
Lodged by David Jones Limited

I refer to the above application for authorisation, in relation to which David Jones Limited (David Jones) requested interim authorisation.

As you are aware, interim authorisation protects the arrangements for which authorisation is sought from legal action under the *Trade Practices Act 1974* (the TPA) while the Australian Competition and Consumer Commission (the Commission) considers the merits of the substantive application.

In deciding whether to grant interim authorisation, the Commission considers a variety of factors including:

- whether interim authorisation is urgent and/or necessary;
- the likely level of harm for the applicant, consumers and competitors if interim authorisation is granted, compared to the likely level of harm if it is not; and
- the ability of the market to return to its pre-interim authorisation state should final authorisation be denied.

The Commission has considered David Jones' request and has decided to grant interim authorisation, taking effect today.

However, please note that the Commission's decision in relation to interim authorisation is not necessarily indicative of its final decision on this matter. In addition, under s 91(2AB) of the Act, the Commission may revoke interim authorisation at any time.


A copy of the letter sent to interested parties informing them of the Commission's decision is enclosed. I request that you provide each of the concession businesses currently operating within your client's stores with a copy of this letter as soon as is practicable.



The Commission has requested that interested parties who wish to make a submission on this application for authorisation do so by **close of business Friday 3 October 2003**. Your client will be provided with an opportunity to comment on any submissions received.

If you have any questions in relation to this matter, please contact Kathryn Kerr on (02) 6243 1050.

Yours sincerely


Stephanie Chenoweth
A/g Director
Adjudication Branch