



Australian Competition & Consumer Commission

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
Australia
Ph (02) 6243 1111
Fax (02) 6243 1199

Our Ref: C2001/1438
Contact Officer: Kathryn Kerr
Contact Phone: 02 6243 1050

28 April 2004

Dear

Trade Practices Act 1974
Applications for Authorisation A90804
Lodged by Australian Newsagents' Federation/Queensland Newsagents' Federation

The Australian Competition and Consumer Commission (the Commission) has issued a final decision in respect of the above application for authorisation. The Commission has granted authorisation to the application, subject to conditions, for a period of five years. A copy of the Commission's decision is enclosed.

The Commission's decision

As you will recall, the Commission issued a draft decision in June 2003 proposing to deny authorisation to the application. Broadly, the Commission was concerned at the scope of the proposed arrangements as they then stood. Since that time, the applicants have significantly narrowed the scope of the proposed arrangements, addressing many of the Commission's concerns.

The applicants are now seeking authorisation to engage in collective bargaining on behalf of newsagent members with certain major publishers and distributors of newspapers and magazines.

The Commission considers that the proposed arrangements give rise to limited detriment and a small public benefit in that they may redress an imbalance of bargaining power between the major publishers and distributors and newsagents and provide newsagents with greater input into their contracts. The Commission has therefore decided to grant authorisation, subject to a number of conditions. These conditions:

- limit collective negotiation to certain major publishers and distributors;
- provide that newsagents wishing to participate must explicitly 'opt in' to the proposed arrangements;
- limit negotiation groups to no broader than state-wide; and



- require that collective negotiation only occur in relation to certain core contract terms and conditions.

These conditions are described more fully in the enclosed decision. This decision does not allow any collective boycott activity.

Review of the decision

In accordance with section 101 of the *Trade Practices Act 1974*, a person dissatisfied with the Commission's decision has the right to apply to the Australian Competition Tribunal (the Tribunal) for a review of the decision.

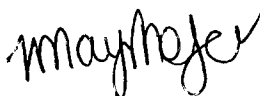
For your information, if such a review is desired, an application must be lodged on the appropriate form with the Registrar of the Tribunal within 21 days of the date of the decision; that is, on or before **Wednesday 19 May 2004**. The Tribunal is located in the Office of the Registrar of the Federal Court in each State.

If no application for review is lodged within the 21 day period, the Commission's decision will come into force on **Thursday 20 May 2004**.

A copy of this letter, together with the decision, will be placed on the Commission's Public Register.

If you have any queries in relation to this matter, please contact me on (02) 6243 1107 or Kathryn Kerr on (02) 6243 1050.

Yours sincerely



Gavin Jones
A/g Director
Adjudication Branch

The Proprietor
Yackandandah Newsagency
24 High Street
YACKANDANDAH VIC 3749

The Proprietor
The Centre Newsagency
Imperial Centre
GOSFORD NSW 2250

Mr Nick and Mrs Cathy Pangalo
Boronia Park News
8 / 90 Parklands Drive
BORONIA HEIGHTS QLD 4124

The Proprietor
Berry Newsagency
100 Queen Street
BERRY NSW 2535

The Proprietor
Toorak News
Shop 5
29 Alexandra Road
ASCOT QLD 4007

The Proprietor
Orient Point Newsagency
71 Orama Cres
ORIENT POINT NSW 2540

The Proprietor
Talbragar Newsagency
93 Talbragar Street
DUBBO NSW 2830

The Proprietor
Powells Newsagency
45 Peachey Road
DAVOREN PARK SA 5113

The Proprietor
Jarra News & Casket Agency
6 Butler Street
TULLY QLD 4854

The Proprietor
Hyperdome Newsagency
Shop 15A Tuggeranong Hyperdome
TUGGERANONG ACT 2900

The Proprietor
Gungahlin Centre News
Shop 12 Gungahlin Market Place
33 Hibberson St
GUNGAHLIN ACT 2912

The Proprietor
Beaumaris News
Shop 7
BeaumarisCity
Constellation Dr
OCEAN REEF WA 6027

The Proprietor
Innaloo City Newsagency
Westfield Shopping Centre
INNALOO WA 6018

The Proprietor
Bridgetown Newsagency
16 Steere Street
BRIDGETOWN WA 6255

The Proprietor
Kalgoorlie Newsagency
304 Hannan Street
KALGOORLIE WA 6430

The Proprietor
GJ'S Lottery Centre & News
Shop 19
Northgate Shopping Centre
GERALDTON WA 6530

The Proprietor
Blackwood Village Newsagency
Shop 4, 200 Main Rd
BLACKWOOD SA 5051

The Proprietor
Southern Cross Newsagency
James Place & King William St Entrances
ADELAIDE SA 5000

The Proprietor
Lincoln Newsagency
7 Denmark Drive
PORT LINCOLN SA 5606

The Proprietor
Norwood Parade Newsagency
Shop 21 / 161 The Parade
NORWOOD SA 5067

The Proprietor
Chapmans Mount Gambier Newsagency
11 Commercial St
MT GAMBIER SA 5290

The Proprietor
Central Square Newsagency
Shop 20, Central Sqare Shopping Centre
BALLARAT VIC 3350

The Proprietor
Eastland Newsagency
Eastland Shopping Centre
RINGWOOD VIC 3134

The Proprietor
Hawthorn West Authorised Newsagency
44 Church Street
HAWTHORN VIC 3122

The Proprietor
Gateway Newsagency
Shop 18 Gateway Plaza
WARRNAMBOOL VIC 3280

The Proprietor
Get The News Williamstown
Williamstown Village, Shop 8 – 9
Kororoit Creek Rd
WILLIAMSTOWN VIC 3016

The Proprietor
East Geelong Newsagency
78A Garden Street
GEELONG EAST VIC 3219

The Proprietor
Shepparton Plaza Lotto & News
310 High Street
SHEPPARTON VIC 3630

The Proprietor
City Newsagency
95 St John Street
LAUNCESTON TAS 7250

The Proprietor
Collins Street Newsagency
138 Collins Street
HOBART TAS 7000

The Proprietor
Fourways Newsagency
143 – 145 William Street
DEVONPORT TAS 7310

The Proprietor
Burleigh Town News
Burleigh Town Centre
West Burleigh Rd
BURLEIGH HEADS QLD 4220

The Proprietor
Holmes Casket & Newsagency
328 Brunswick Street
FORTITUDE VALLEY QLD 4006

The Proprietor
Larsens Newsagency
60 Rankin Street
INNISFAIL QLD 4860

The Proprietor
Herbert River Newsagency
55 Herbert Street
INGHAM QLD 4850

The Proprietor
Civic News & Casket Agency
18 Stokes Street
TOWNSVILLE QLD 4810

The Proprietor
Garbutt Newsagency
112 Hugh Street
GARBUTT QLD 4814

The Proprietor
Oasis Lotto & News
Shop 28
Oasis Shopping Centre, Chung Wah Tce
PALMERSTON NT 0830

The Proprietor
Annandale Village Newsagency
113 Johnston Street
ANNADALE NSW 2038

The Proprietor
Eastgate Newsagency
Shop 26 Eastgate Shopping Centre
BONDI JUNCTION NSW 2022

The Proprietor
Concord Newsagency
59 Majors Bay Rd
CONCORD NSW 3137

The Proprietor
Edwards Newsagency
59 St Johns Rd
GLEBE NSW 2037

The Proprietor
McMahons Point Newsagency
182 Blues Point Rd
McMAHONS POINT NSW 2060

The Proprietor
South Wagga Newsagency
64 Baylis Street
WAGGA WAGGA NSW 2650

The Proprietor
Ballina Fair Newsagency
Shop 15, Ballina Fair
BALLINA NSW 2478

The Proprietor
Wodonga Newsagency Pty Ltd
168 High Street
WODONGA VIC 3690

The Proprietor
Newsworld
213 Oxide Street
BROKEN HILL NSW 2880

The Proprietor
Claremont Newsagency
8 Bay View Tce
CLAREMONT WA 6010

Mr Jeff Dale
Bathurst City News
80 William St
BATHURST NSW 2795

The Proprietor
Tumut Newsagency
78 Wynyard Street
TUMUT NSW 2720

Mr Van Moulis
Australasian Association of Convenience Stores
C/o Raj Lawyers
GPO Box 4917
SYDNEY NSW 2001

Mr Ken Murphy
Chief Executive
Queensland Newsagents Federation
PO Box 59
VIRGINIA QLD 4014

The Chief Executive
Tasmanian Newsagents Association
PO Box 635
LAUNCESTON TAS 7250

Mr A M Jeffries
President
Northern Territory Newsagents Association
Karama Newsagency
Shop 17 Karama Plaza
Kalymnos Drive
KARAMA NT 0821

Mr Richard Hatch
Chairman
Western Australian Newsagents Association
PO Box 740
VICTORIA PARK WA 6979

Mr Peter Cowley
Executive Officer
VANA
91 Bay Street
PORT MELBOURNE VIC 3207

Mr Christopher Rankin
Executive Officer
NASA
PO Box 257
WELLAND SA 5007

Mr Graeme Day
General Manager
NANA
PO Box 515
BURWOOD NSW 1805

Ms June Roach
Chief Executive
SA Lotteries
GPO Box 2277
ADELAIDE SA 5001

Mr John Cheyne
Director, Corporate and Financial Services
Lotterywest
74 Walters Drive
OSBORNE PARK WA 6017

Mr Barry Dunphy
Partner
Clayton Utz
GPO Box 55
BRISBANE QLD 4000

Mr Stephen Ridgway
Blake Dawson Waldron
Riverside Centre
123 Eagle Street
BRISBANE QLD 4000

Mr Bernard Yates
Company Secretary
West Australian Newspapers Ltd
GPO Box D162
PERTH WA 6001

Ms Rose Owen
Legal Counsel
News Ltd
GPO Box 4245
SYDNEY NSW 2001

Ms Rayma Creswell
General Manager
NDD Distribution Pty Ltd
PO Box 199
ALEXANDRIA NSW 1435

Mr John Brand
Group General Manager
Trading Post Group Pty Ltd
PO Box 8002
GRANVILLE NSW 2142

Mr Paul Holt
Managing Director
Gordon & Gotch
Locked Bag 527
FRENCHS FORREST NSW 2086

Mr Garry Munro
General Manager, Circulation & Distribution
Pacific Publications Pty Ltd
35 - 51 Mitchell Street
MCMAHONS POINT NSW 2060

Mr David Gardiner
Chief Operating Officer
ACP Publishing Pty Ltd
GPO Box 4088
SYDNEY NSW 1028

Mr Greg Sharp
Group Finance Director
EMAP Australia Pty Ltd
PO Box 1014
HAYMARKET NSW 1240

Mr Donald Carpenter
25 Jordan Road
WAHROONGA NSW 2076

Mr Peter Jesser
15 Bogota Avenue
NEUTRAL BAY NSW 2089