

Stewart, Liam

From: Stewart, Liam
Sent: Wednesday, 27 July 2005 9:15 AM
To: 'arcboard@iinet.net.au'; 'registrar@aaca.org.au'; 'mail@architects.nsw.gov.au'; 'info@apesma.asn.au'; 'ceo@aibs.com.au'; 'registrar@arbv.vic.gov.au'; 'qld@engineersaustralia.org.au'; 'actpla.feedback@act.gov.au'; 'contact@aiqs.com.au'; 'grenouf@choice.com.au'; 'nat@aca.org.au'; 'rkrantz@gtsa.com.au'; 'dgooffice@housing.qld.gov.au'; 'ajit.mohan@resitech.nsw.gov.au'; 'mdesign@bigpond.net.au'; 'wegaarch@bigpond.com'; 'architects@sjb.com.au'
Subject: The Royal Australian Institute of Architects authorisation application
Attachments: DRAFT DETERMINATION - 26.07.05.pdf

Our Ref: C2004/1921
Contact Officer: Liam Stewart
Contact Phone: 02 6243 1275

27 July 2005

Dear Sir/Madam

Royal Australian Institute of Architects application for revocation and substitution

I refer to the abovementioned application for revocation and substitution lodged with the Australian Competition and Consumer Commission (the ACCC) by the Royal Australian Institute of Architects (the RAI A). Broadly, the RAI A has applied to the ACCC to revoke authorisation A58, which was granted to the RAI A by the Trade Practices Commission in 1984 (the Trade Practices Commission is now known as the ACCC), and to substitute it with an authorisation in a similar form.

In short, the ACCC considers that the anti-competitive detriment which may arise from the proposed arrangements, and in particular certain parts of the proposed Code of conduct and the existing Fee guides, is likely to outweigh the potential public benefits of the proposed arrangements. However, the ACCC considers that were the areas of concern identified in the draft determination satisfactorily addressed by the RAI A, the proposed arrangements would be more likely to produce a net public benefit.

Consequently, the ACCC has issued a draft determination which proposes to deny the RAI A's application, in its current form, whilst providing the RAI A with an opportunity to address the ACCC's concerns. A copy of the ACCC's draft determination is attached to this email.



**DRAFT
DETERMINATION - 26.07.05.pdf**

Further submissions

Before the ACCC makes a final decision regarding the RAI A's application, it would like to provide an opportunity for the applicant and interested parties to make submissions in relation to the draft determination. The processes for providing submissions, both oral and written, are provided below.

Pre-determination conference

In accordance with section 90A of the TPA, an interested party may notify the ACCC in writing by close of business on **Tuesday, 9 August 2005** if that party wishes the ACCC to hold a pre-determination conference in relation to the draft determination. The TPA does not allow the ACCC to extend this deadline.

A pre-determination conference provides the opportunity for interested parties, particularly in the event they are dissatisfied with the ACCC's draft determination, to make oral submissions in response to the draft determination. The TPA requires that the conference be held no later than 30 days after it is requested and therefore in the event of such a conference taking place it is likely that it would be **held in Canberra on or around 18 August 2005**.

Submissions

The ACCC encourages the RAIAs and other interested parties to provide written submissions commenting on its draft determination. Unless confidentiality is requested, submissions will be publicly available and placed on a public register for that purpose. If you wish to include information in a submission which is of a confidential nature, it should be clearly marked as such and a claim for confidentiality for the material should also be submitted. You will be informed of the outcome of that claim and, if it is refused, the relevant material will be returned to you if you wish. Material for which confidentiality is granted will not be publicly available, but may be taken into account by the ACCC in making a final decision regarding the application. Guidelines for seeking confidentiality are attached.

If you wish to lodge a submission, would you please address it to:

General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Alternatively, submissions may be faxed to (02) 6243 1211 or emailed to adjudication@accc.gov.au

Submissions should be provided to the ACCC no later than close of business on **Friday, 26 August 2005**.

If you have any queries or if you wish to discuss any aspect of this application further, please contact Liam Stewart on (02) 6243 1107.

Yours sincerely

Susan Philp
A/g Director
Adjudication Branch



**Australian
Competition &
Consumer
Commission**

Our Ref: 2004/1921
Contact Officer: Liam Stewart
Contact Phone: 02 6243 1275

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602

ph (02) 6243 1111
fax (02) 6243 1199

www.accc.gov.au

26 July 2005

Mr David Parken
Chief Executive Officer
Royal Australian Institute of Architects
PO Box 3373
MANUKA ACT 2603

Dear Mr Parken

Royal Australian Institute of Architects application for revocation and substitution

I refer to the abovementioned application for revocation and substitution lodged with the Australian Competition and Consumer Commission (the ACCC) by the Royal Australian Institute of Architects (the RAIA). Broadly, the RAIA has applied to the ACCC to revoke authorisation A58, which was granted to the RAIA by the Trade Practices Commission in 1984 (the Trade Practices Commission is now known as the ACCC), and to substitute it with an authorisation in a similar form.

In short, the ACCC considers that the anti-competitive detriment which may arise from the proposed arrangements, and in particular certain parts of the proposed Code of conduct and the existing Fee guides, is likely to outweigh the potential public benefits of the proposed arrangements. However, the ACCC considers that were the areas of concern identified in the draft determination satisfactorily addressed by the RAIA, the proposed arrangements would be more likely to produce a net public benefit.

Consequently, the ACCC has issued a draft determination which proposes to deny the RAIA's application, in its current form, whilst providing the RAIA with an opportunity to address the ACCC's concerns. A copy of the ACCC's draft determination is attached to this letter.

Further submissions

Before the ACCC makes a final decision regarding the RAIA's application, it would like to provide an opportunity for the applicant and interested parties to make submissions in relation to the draft determination. The processes for providing submissions, both oral and written, are provided below.



Pre-determination conference

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Submissions

The ACCC encourages the RAIA and other interested parties to provide written submissions commenting on its draft determination. Unless confidentiality is requested, submissions will be publicly available and placed on a public register for that purpose. If you wish to include information in a submission which is of a confidential nature, it should be clearly marked as such and a claim for confidentiality for the material should also be submitted. You will be informed of the outcome of that claim and, if it is refused, the relevant material will be returned to you if you wish. Material for which confidentiality is granted will not be publicly available, but may be taken into account by the ACCC in making a final decision regarding the application. Guidelines for seeking confidentiality are attached.

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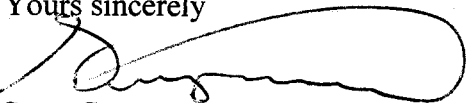
General Manager
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Submissions should be provided to the ACCC no later than close of business on **Friday, 26 August 2005**.

If you have any queries or if you wish to discuss any aspect of this application further, please contact Liam Stewart on (02) 6243 1107.

Yours sincerely



Scott Gregson
A/g General Manager
Adjudication Branch