



Australian  
Competition &  
Consumer  
Commission

Our Ref: C2005/1429  
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4 October 2005

[Name]  
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Dear [Name]

**Re: Proposed amendments to Recruitment & Consulting Services Association (RCSA)  
Authorisation A90829 - interested party consultation**

**Introduction**

The Australian Competition and Consumer Commission (the ACCC) is currently conducting an interested party consultation process in relation to an application to vary an authorisation previously granted to Recruitment & Consulting Services Association (RCSA). As a possible interested party you are invited to comment on the issues outlined in this letter.

Authorisation A90829 was originally granted by the ACCC on 24 September 2003.

**Background**

The ACCC is the Australian Government agency responsible for administering the *Trade Practices Act 1974* (the Act). A key objective of the Act is to prevent anti-competitive arrangements or conduct, thereby encouraging competition and efficiency in business resulting in a greater choice for consumers in price, quality and service.

The Act, however, allows the ACCC to grant immunity from legal action for anti-competitive conduct in certain circumstances. One way businesses may obtain immunity is to apply for what is known as an 'authorisation' from the ACCC. Broadly, the ACCC may 'authorise' businesses to engage in anti-competitive arrangements or conduct where it is satisfied that the public benefit from the arrangements or conduct outweighs any public detriment.

The ACCC may also grant an application for minor variation of an already-granted authorisation. To allow a minor variation, the ACCC must be satisfied that the variation would not result, or be likely not to result, in a reduction in the benefit to the public that arose from the original authorisation.

When an application for a minor variation is received, the ACCC must inform interested parties of the nature of the variation applied for and invite submissions on the application.



The ACCC may then issue a determination either varying the original authorisation or dismissing the application.

### **Original authorisation of A90829**

The ACCC originally granted authorisation to RSCA's application on 24 September 2003. The authorisation was granted to the provisions of the Code for Ethical Conduct (the Code), including Schedules 1 and 2; and clauses 11.1, 11.2, 12.4 and 39 of the Constitution and the Guidelines.

Authorisation was also granted for the parties to give effect to the provisions of the Code, relevant provisions of the Constitution and the Guidelines. Authorisation was granted for five years.

### **Proposed minor variation to A90829**

On 19 August 2005, the ACCC received an application for minor variation of authorisation A90829 from RSCA. The minor variation sought by RSCA involves the following.

#### *1. Amendments to the RSCA Guidelines for Regions: Disciplinary and Dispute Resolution Procedures*

1.1 Change all references from 'Division' to 'Region'.

1.2 Insert a new sub-section 4.1 'Intervention Process' in section 4 'Disciplinary & Dispute Resolution Procedures'

1.3 In sub-section 4.4 'Notice and Directions' a new item (vi) has been inserted in the list of issues which the REC (Regional Ethics Committee) or NEC (National Ethics Committee) may give directions on.

1.4 In sub-section 4.5 'Proceedings Generally' three new comments have been inserted - (xii) (xiii) and (xiv). These are in relation to proceedings conducted by an REC or NEC.

1.5 Insertion of Figure 3.1 – Flow chart of Disciplinary & Dispute Resolution Procedure.

#### *2. Amendments to the Code for Professional Practice*

2.1 Title of the Code changed from 'Code for Ethical Conduct' to 'Code for Professional Practice'.

2.2 Schedule 1 – Transition of workers – Guidelines and Recommendations for Ethical Conduct. The addition of 'Summary Reference (A)' to the guideline.

2.3 Schedule 2 – Disputed Fee - Guidelines and Recommendations for Ethical Conduct. Amendments to sub-sections (h), (i) and (j); addition of a sub-section regarding costs; and addition of 'Summary Reference (B)' to the guideline.

For further information on RCSA's application for minor variation, please see their attached submission.

### **Request for submissions**

To assist the ACCC in its consideration of the application for minor variation it would be helpful to obtain your comments on the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed changes.

The ACCC asks for submissions to be in writing so they can be made publicly available. They are placed on a public register for this purpose.

Persons lodging a submission with the ACCC may request that information included in the submission be treated as confidential and not placed on the public register. If confidentiality is granted in respect of information the ACCC may take it into account, even though it is not publicly available. Guidelines for seeking confidentiality are attached.

If you wish to lodge a submission, please address your submission to:

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

Submissions can also be lodged by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) or by facsimile on 02 6243 1211.

If you intend to provide a submission, please do so by **Tuesday 18 October 2005**.

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

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 Sheridan de Kruiff on 02 6243 1236.

Yours sincerely

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