

18 October 2005

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Ms Ursula Everett and Mr Jason Byrne  
Acting Assistant Director  
Australian Competition and Consumer Commission  
Adjudication Branch  
470 Northbourne Ave  
DICKSON ACT 2602

Dear Ursula and Jason

## **Applications for Authorisation lodged by Australian Wool Organisations**

We refer to your letter dated 27 September 2005. We are instructed to respond as follows to question 7.

*Q7. In the event that the ACCC does grant interim authorisation, but does not grant final authorisation, could you please advise of how the funds already collected through the implementation of the levy will be dealt with.*

The FAWO will not release funds collected during any period of interim authorisation, other than for the payment of consultants fees and other disbursements associated with establishing the arrangements for implementing the levy and applying for authorisation ('administrative costs'). If interim authorisation is granted but final authorisation is not obtained, then FAWO would at the request of any buyer, refund to the buyer any amount paid by the buyer during the period of interim authorisation, less an amount equal to a pro-rata share of FAWO's administrative costs. FAWO would not object to the ACCC imposing an appropriately worded condition of interim authorisation to this effect.

Accordingly, with the exception of certain administrative costs, all monies raised during any period of interim authorisation would be refundable if final authorisation is not granted. As discussed in previous correspondence, FAWO has access to the necessary information and records in order to ensure that, if necessary, a refund process can be administered.

FAWO submits that any public detriment associated with granting interim authorisation is *de minimus* and that there is a strong public benefit case for the ACCC to exercise its discretion to grant interim authorisation. A grant of interim authorisation will permit fundraising to begin immediately and will provide sufficient certainty to IWTO to permit preparations for the international test marketing campaign to begin during the upcoming Northern Hemisphere winter.

### **MINTER ELLISON GROUP AND ASSOCIATED OFFICES**

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FAWO requests that interim authorisation be granted as soon as possible.

Please contact Geoff Carter of our office if you have any further questions.

Yours faithfully

**MINTER ELLISON**

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