



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2006/50  
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www.accc.gov.au

4 May 2006

Name  
Position  
Company  
Address

sent to ~~attached~~ list

Dear

**Applications for Revocation and Substitution lodged by the Community Care Underwriting Agency (CCUA) in relation to supply of public liability insurance – draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the above applications for revocation of authorisations A30217 and A30218 and substitution of replacement authorisations, which were lodged by the Community Care Underwriting Agency (CCUA) on 22 December 2005.

The Applicants (Allianz Australia Insurance Limited, QBE Insurance Limited and Insurance Australia Limited – trading as NRMA Insurance) are parties to an unincorporated joint venture agreement operating through an agent and trading as CCUA. The joint venture agreement allows the Applicants to collectively supply public liability insurance to eligible 'not-for-profit' organisations (NFPOs) through a co-insurance pool.

The CCUA co-insurance pool arrangements were originally granted interim authorisation on 28 November 2002, and conditional authorisation was first granted on 24 March 2004.

On the available information, however, the ACCC is not satisfied that ongoing authorisation of the co-insurance pool arrangements is likely to result in a net public benefit. That said, the ACCC considers that there is a net public benefit in authorising the arrangements for a short period to allow NFPOs currently sourcing insurance from the pool to access alternative arrangements.

Therefore, the ACCC proposes to grant a transitional authorisation to allow CCUA to:

- continue to write or renew policies up until 31 December 2006; and
- give effect to any policies until 31 December 2007.

A copy of the ACCC's draft determination is attached.



## Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party who may be dissatisfied with the ACCC's draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Under the *Trade Practices Act 1974*, the ACCC must set a date within 14 days of which any pre-decision conference must be requested. Accordingly, if you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **cob 18 May 2006**. Conferences are conducted informally, without the participation of legal or other professional advisers.

You are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **cob 25 May 2006** at the following address:

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

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

Any submission you make will be placed on the ACCC's Public Register. You may request that information you provide in a submission to the ACCC be treated as confidential and not placed on the Public Register. Information excluded from the Public Register for reasons of confidentiality will still be considered by the ACCC when reaching its decision. Guidelines for seeking confidentiality are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-determination conference be called, and will then release a final determination in relation to these applications.

If you require further information, please contact Carl Toohey on (03) 9290 1480.

Yours sincerely

Gavin Jones  
Director  
Adjudication

**Draft Determination sent to the following list of IP's**

Aradlay Insurance Brokers  
St John Ambulance Australia  
Commonwealth Department of Family  
and Community Services  
Consumer Affairs Victoria  
Department of Treasury  
Local Government Association of  
Queensland Inc  
Munich Holdings Australasia Pty  
Limited  
New South Wales Office of Fair  
Trading  
South Australia Office of Consumer and  
Business Affairs  
TIO  
Volunteering Australia  
Australian Council for the Arts  
Westpool