



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2001/390-04  
Contact Officer: Nadia Cooke  
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7 July 2006

Mr Don Knapp  
Chief Executive  
Australian Baseball Federation  
PO Box 10468  
SOUTHPORT BC QLD 4215

Dear Mr Knapp

**Notification N90853 lodged by the Australian Baseball Federation Inc. (ABF)  
- pre-decision conference**

I refer to the ABF's request for a conference in relation to the draft notice to revoke issued by the Australian Competition and Consumer Commission (ACCC) on 16 June 2006 regarding the above notification.

The pre-decision conference will commence at **9:00 am on Monday 24 July 2006** at the Sydney offices of the ACCC:

Level 7, Angel Place  
123 Pitt Street  
SYDNEY NSW 2000

The conference will be conducted by Stephen King, representing the ACCC.



Under the *Trade Practices Act 1974* (the Act), the conference may be attended by the notifying party and other interested parties. Please notify the ACCC of the names and position titles of the ABF's representatives, and indicate who will be the ABF's chief spokesperson by **Monday 17 July 2006**. The information should be provided to the ACCC in writing and addressed to:

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

You can also notify the ACCC by email to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) or by facsimile on (02) 6243 1211.

You should provide a contact name, telephone number, mailing address and facsimile or email address so that you can be notified of any late changes to conference arrangements.

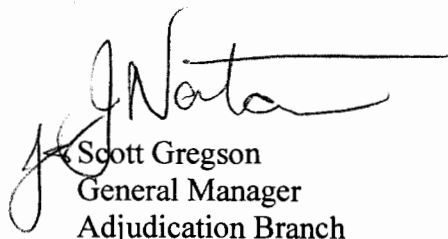
I note that while conference attendees may bring outside legal or other professional advisers to assist them, the Act provides that these advisers not entitled to participate in conference discussions.

Attached for your information is an outline of the procedures usually followed at pre-decision conferences.

Following the conference, it is likely that the notifying and interested parties will be given the opportunity to provide written submissions regarding issues discussed at the conference and arising from the draft notice generally.

A copy of this letter has been placed on the ACCC's public register and made available on the ACCC website, [www.accc.gov.au](http://www.accc.gov.au). If you require any further information in regard to the conference, please do not hesitate to contact Nadia Cooke on (03) 9290 1478.

Yours sincerely



Scott Gregson  
General Manager  
Adjudication Branch

## **AN OUTLINE OF THE PROCEDURES** **USUALLY FOLLOWED AT PRE-DECISION CONFERENCES**

The Australian Competition and Consumer Commission (ACCC) tries to conduct its per-decision conferences as informally, flexibly and speedily as possible. Where necessary, a conference may be adjourned and reconvened at a later time.

A notifying or interested party attending a conference may be assisted by outside legal or other professional advisers. Although such persons may attend the conference to assist, they are not entitled to participate in the discussion.

The conference will be useful in that it gives the ACCC and all interested parties the opportunity to meet face-to-face to discuss the operation and effect of the notifying party's conduct and the ACCC's draft notice to revoke. The notifying party and/or interested parties are given the opportunity to persuade the ACCC to accept their view. The ACCC benefits from direct contact with the parties, and its perceptions of public benefits and detriment are tested in a forum where points are often quickly and forcefully made.

### **1. Preliminary procedures**

- (a) When you arrive at the conference, please complete the attendance book. This assists ACCC staff to identify attendees for the purpose of recording the discussion. You may find that a seating plan is available. You should identify yourself to ACCC staff before the conference begins and indicate if you expect messages to be left for you during the conference.
- (b) The Chair (a Commissioner) will open the conference by welcoming those present and outlining the requirements of the *Trade Practices Act 1974*. The Chair will also set out the manner in which the conference will be conducted. An agenda may be circulated.
- (c) If you intend to present a written submission (and you are encouraged to do so), it is helpful if the ACCC receives a copy of this before the conference date. The submission can then be copied and distributed at the conference. This way, both the ACCC and other parties present are assisted, and your submission forms part of the conference record. If you cannot complete your written submission prior to the conference, it is helpful if you bring extra copies which can be distributed to ACCC staff and other attendees.
- (d) If you intend to present a submission at the conference and you wish it, or certain confidential information in it, to be excluded from the ACCC's public register, you should make your request to the Chair at the time of presenting the document. You should state in general terms the reasons for your request. The Chair may ask that other parties leave the conference for a short period to give you the opportunity, if necessary, to expand on your reasons.

If your request to exclude the submission (or parts of it) from the public register is denied, you may ask that the document (or the relevant parts of it) be returned to you. Any material returned to you will not ordinarily be taken into account by the ACCC in deciding whether to issue a final notice to revoke.

Any document you present will, as a matter of course, be placed on the ACCC's public register, and may be used by the ACCC in making its decision. Such documents will also be made available on the ACCC website. Where a request that confidential information be excluded from the public register is granted, this information may also be considered by the ACCC in deciding whether to issue a final notice to revoke.

## **2. General procedures**

- (a) The pre-decision conference is being held to discuss the draft notice to revoke, to canvass points of view and to assist the ACCC in weighing the issues and interpreting the information given to it.
- (b) The procedure is discretionary. The Chair controls the order of discussion, and may take particular topics separately so that all the discussion, on any given topic, may be heard at the one time.
- (c) The conference is not a court, and there is no right of cross-examination. You may request that the Chair ask questions of other parties present, but the Chair retains the discretion as to whether your questions will be put. The Chair may also directly question attendees. Parties have discretion whether or not to answer questions put to them.
- (d) ACCC staff present will make a record of the discussion. This will be in minute form, not a verbatim record. The conference record is placed on the public register and ACCC website. All attendees will receive a copy of the record.
- (e) When the Chair believes that all present have been given a reasonable opportunity to express their views, they may terminate the conference.
- (f) The Chair (and any other Commissioner at the conference) cannot give a final decision at the close of the conference. Each Commissioner is only a representative of the ACCC and is required to report back to the ACCC, which will then make a final decision.

## **3. Other matters**

- (a) Following the pre-decision conference, the ACCC will review its draft notice to revoke in the light of discussion and further submissions made at the conference (or within a set period of time after the conference). The ACCC will decide whether to issue a final notice to revoke as soon as possible thereafter.
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