



Our Ref: N40957  
Contact Officer: Ilona Balint  
Contact Number: 02 6243 1113

**Australian  
Competition &  
Consumer  
Commission**

27 January 2006

Mr Ian G Sinclair  
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Dear Mr Sinclair,

**Re: Third line forcing notification No. N40957,  
lodged by Australian Golf Union Incorporated**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 January 2006. The notification has been placed on the ACCC's public register.

Australian Golf Union (AGU) has described the conduct as follows:

*As part of its function the AGU has passed By-Laws to assist in the control and administration of the game in Australia. One such By-Law provides that:*

- 1. a golf club may first affiliate with the Member State in which they are situated. However, a club may also first affiliate with a Member State in which they are not situated but only with the agreement of the club, the Member State in which the club is situated and the proposed alternative Member State;*
- 2. golf clubs may make affiliations with other Member States provided they first conform to clause 1 above;*
- 3. golf clubs which affiliate with more than one Member State are required to pay the AGU prescribed fees only for the Member State in which they first affiliated.*

You have since confirmed that the conduct for which notification is given may be described as the offering of AGU membership to golf clubs on condition that they acquire membership of their member state (or an alternative member state following approval from their member state).

Legal immunity conferred by the notification came into force on 18 January 2006.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

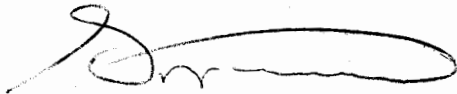


As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

In this regard I note your advice that clubs located close to state boundaries may seek permission from their member state to take membership from the neighbouring member state. Should concerns be raised by clubs with respect to difficulties experienced under this process the ACCC may review the notification in the context of such concerns.

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 Ilona Balint on (02) 6243 1113.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson  
General Manager  
Adjudication Branch