



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/1375
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22 August 2006

«Name»
«Organisation»
«Address»

Dear «Salutation»

Revocation of Authorisation A4006 lodged by the Retail Confectionery & Mixed Business Association Inc. (Victoria)

I refer to the above authorisation granted to the Retail Confectionery & Mixed Business Association Inc. (Victoria) (CAMBA) by the Trade Practices Commission (TPC) on 24 February 1978. The TPC is now the Australian Competition and Consumer Commission (ACCC). The ACCC has received a request from the CAMBA for the revocation of authorisation A4006.

I am writing to you as we consider that you may be a party with an interest in the authorisation for which revocation has been sought. A copy of the authorisation is enclosed for your information.

The Authorisation Process

By way of background, the ACCC is the independent Australian Government agency responsible for administering the *Trade Practices Act 1974* (the Act). A key objective of the Act is to prevent anti-competitive conduct, thereby encouraging competition, efficiency, and a greater choice for consumers.

The Act allows the ACCC to grant immunity for anti-competitive conduct in certain circumstances. 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.

Section 91B of the Act provides that a person to whom authorisation was granted may apply to the ACCC for revocation of the authorisation. On receipt of such an application, the ACCC is required to invite submissions from parties that may have an interest in the authorised conduct.



After considering any submissions received in relation to the application for revocation, the ACCC is required to issue a written determination either revoking or allowing the immunity conferred by the authorisation to continue.

Background to the CAMBA Authorisation

On 24 February 1978, the TPC granted the CAMBA authorisation to circulate suggested price lists to its members. The price lists were distributed via the monthly 'Milk Bar' magazine, and covered soft drinks, ice cream, confectionery, bread, biscuits, sandwiches, milk shakes, cigarettes and tobacco. The prices that appeared in the magazine were recommended prices.

The purpose of the price lists was to assist members of the CAMBA in setting retail prices. At the time that authorisation was granted, the CAMBA maintained that it only suggested prices to its membership when:

- there were difficulties associated with the calculation of retail prices due to the involvement of State taxes and sales tax or
- in its opinion the margins allowed in manufacturers recommended prices were insufficient to provide proprietors with an adequate return.

On 25 July 2006, the CAMBA requested the ACCC revoke authorisation A4006 as it no longer provides price lists to its members.

Request for submissions

The purpose of this letter is to invite your submission as a potentially interested party. If you wish to lodge a submission objecting to the CAMBA's request for revocation, please do so by **6 September 2006**.

The ACCC asks for submissions to be in writing so that they can be made publicly available. Submissions are placed on a public register and on the ACCC's website. Should you lodge a submission with the ACCC you may request that information included in the submission be excluded from the public register and website. Guidelines for seeking exclusion from the public register are attached for your information.

Submission should be addressed to:

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

Submissions can also be lodged by e-mail to adjudication@accc.gov.au or by fax on (02) 6243 1211.

A copy of this letter will be placed on the ACCC's public register. If you have any questions please do not hesitate to contact Hew Atkin on (02) 6243 1235.

Yours sincerely

Sue Philp
Director
Adjudication Branch

Enc. Authorisation A4006
Guidelines for confidentiality claims

Revocation of Authorisation A4006 lodged by the Retail Confectionery & Mixed Business Association Inc. (Victoria) – list of interested parties

- Australian Retailers Association
- Consumer Affairs Victoria
- Council of Small Business Organisations of Australia
- Franchise Council of Australia
- Metcash Limited
- National Independent Retailers Association
- National Association of Retail Grocers of Australia
- Office of the Produce and Grocery Industry Ombudsman
- Office of the Victorian Small Business Commissioner