



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91015
Contact Officer: Monica Bourke
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3 October 2006

Dear

**Re: Retirees WA (Inc) application for revocation of authorisation A70012
and its substitution by authorisation A91015
- interested party consultation**

Introduction

The Australian Competition and Consumer Commission (the ACCC) is currently conducting an interested party consultation process in relation to an application for revocation and substitution made by Retirees WA (Inc) (RWA). The RWA has sought renewal of its authorisation allowing for reduced cost pre-paid funerals to be agreed to between the RWA and members of the Western Australian Funeral Directors' Association (WAFDA members) and between RWA and non-WAFDA funeral directors (Independent Funeral Directors). These arrangements were previously authorised by the ACCC in 2001.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the issues outlined in this letter and the RWA's application.

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 arrangements or conduct, thereby encouraging competition and efficiency in business resulting in a greater choice for consumers in price, quality and service.

The Act, however, allows the ACCC to grant immunity from legal action for anti-competitive conduct in certain circumstances. One way businesses may obtain immunity is to apply for what is known as an 'authorisation' from the ACCC. 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.



In assessing the public benefits and detriments of an authorisation application, the ACCC undertakes a public consultation process seeking comments on the application from interested parties. Following an initial consultation process, the ACCC will issue a draft decision for comment. The ACCC will then reconsider the application in light of any further submissions, and release its final decision.

The application

A copy of the application and supporting submission is enclosed for your information. These documents, along with their attachments, will also be available on the ACCC's website: www.accc.gov.au (by following the Public Registers and Authorisations links).

Request for interim authorisation

The RWA has also requested interim authorisation for the pre-paid funeral arrangements. Interim authorisation would allow the RWA to continue to implement the agreements while its substantive application is being considered by the ACCC.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions on the application for authorisation

To assist the ACCC assessing the application for authorisation made by the RWA, you are invited to provide comments responding to the application and supporting submission. In particular, your view is sought as to the likely benefits to the public and the potential effect on competition of the proposed arrangements.

If you intend to provide a submission in relation to the RWA's application, I would be grateful if you could do so by close of business **Wednesday, 25 October 2006**.

General information

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 may also be placed on the ACCC's website. The ACCC may, where appropriate, supplement written submissions with discussions with relevant parties on a mutually convenient basis.

Should you lodge a submission with the ACCC you may request that confidential information be excluded from the public register or the ACCC's website. The ACCC may take this information into account during its assessment of an authorisation application. Guidelines for requesting exclusion of material from the public register are attached to this letter for your information.

If you wish to lodge a submission, please address your submission to:

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

Submissions can also be lodged by email to adjudication@acc.gov.au, or by facsimile on (02) 6243 1211. If relevant, please provide a preferred email address for any future correspondence from the ACCC.

Please inform us if you do not wish to make a submission at this time, but would like to be informed of the progress of this application at the draft and final determination stages. You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding this application.

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 Monica Bourke on 02 6243 1272.

Yours sincerely

Susan Philp
Director
Adjudication Branch

Interested Party List

- Australian Funeral Directors Association
- Archer & Sons Funeral Homes
- P & L Hogan Funeral Directors
- Albany City Funeral Home
- Department of Consumer and Employment Protection
- Karrakatta Cemetery
- Affordable Funerals
- B D Coventry & Sons
- Bowra & O’Dea Pty Ltd
- Chapel Funerals
- Christian Funeral Company
- Chipper & Son Pty Ltd
- Esperance Funeral Services
- Goldfields Funeral Directors
- J Keenan & Co
- Just Cremations
- Mareena Purslowe & Associates
- Oakwood Funeral Home
- Pensioner Funerals
- Peter J Jackson Funeral Directors
- Prosser Scott & Co Pty Ltd
- Purslowe Funeral Homes
- R Falkingham & Son
- Baskerville Metcalfe
- Seasons Funerals
- Simplicity Funerals
- Seasons
- Value Funerals
- William Barrett & Sons