



Outdoor Media
Association Inc.

ABN 59 004 233 489

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20 October 2006

Mr S Gregson
General Manager
Adjudication Branch
Australian Competition and Consumer Commission

by facsimile to (02) 6243 1211

Dear Mr Gregson

**Ref A30244, A30245 – Application for Approval – MAV on behalf of
Victorian Councils**

Thank you for your email extending the time for the Association to reply regarding the interim approval aspect of your letter.

We are unable to find any reason why there should be an interim approval granted in this matter. The time frames set out in the Application and the comments in the Phillips Fox submission indicate that the parties have been working together for some months on this matter. There is a deadline of July 2007 noted in those documents. We do not believe that "special circumstances" have been demonstrated to the standard required for the Commission to grant interim approval.

The approval sought would be a serious departure from anti-competition principles and would set a precedent that may prove problematical for this industry, and others. If such approval can be obtained on the grounds in this Application it is difficult to see how it could be restricted in future. As no special or outstanding grounds are presented we cannot see how others would fail to seek to exploit this situation.

The Application also raises concerns beyond the specific approvals sought. We appreciate that the Commission has published all available material on the Commission website in the public interest. However there are errors in that material, particularly the Phillips Fox submission.



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For example, schedule 3 appears to have been compiled from internet material and contains companies that have ceased trading. Furthermore, the submission's "market definition" section and related areas (pp11 onwards) relies on a primary source stated to be the 1996 review Re Media Council of Australia and Ors (1996) ATPR 41-497 which is no longer accurate.

Another concern was that this Association, as the peak industry body for companies involved in, or associated with the display of outdoor advertising, was not even listed as an interested party in the submission, although the peak bodies of the advertiser and advertising agency sectors were. Thus we were not consulted by them or the Commission prior to publication.

If you have any questions about our response I can be contacted on 02-8356 9000 or 0439 023389.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Willoughby', is written over a faint dotted line.

Helen Willoughby
CEO