



**W. A. RETAILERS
ASSOCIATION INC.**
"Voice of the Independent Retailer"

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Fax Cover Sheet

To: SCOTT GREGSON - GEN MGR	From: Martin Dempsey (Mob: 0414 437 157)
Fax: (02) 6243 1199	Pages: (inc. this page)
Phone: (02) 6243 1111	Date: Tuesday 31 October 2006
Re: Authorisation A14165	CC: Via U to your Kelvin Binning

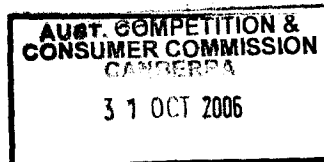
Message:

Dear Scott

I write to you in your capacity as General Manager of the Adjudication Branch of the ACCC and following your letter to me dated 29 September 2006.

I also write given that the Australian Senate has reported as having passed the Dawson changes to the federal Trade Practices Act with a 32-30 vote on Thursday 19 October 2006 but that the legislative details of the ACCC's new powers and specifically in relation to section 46 have not, as yet been either proclaimed or otherwise made public - see pages 28, 29 and 82 of the 20 October 2006's edition of Australian Financial Review, for example.

As I have previously written to your organization regarding the linkages of organizations I represent, my contention is that the 'perpetual authorization' or "immunity" (that is, the one that despite previous contact by employees of the ACCC has not been qualified out of all relevance by the ACCC simply remains in force).



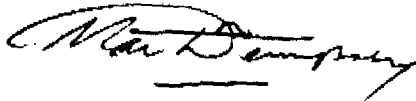
October 31, 2006

Moreover, that any review process and issuing of a Notice under section 91B is of itself likely to be reviewed under the new amendments and particularly by the Federal Minister for Small Business, Fran Bailey going forward in the not-too-distant future.

You may be assured that I have not rested on the repeated insistence of the ACCC that they have the power to "revoke (or not to revoke) the authorization." Indeed, I have now liaised with numerous independent retailing and small business organizations both within *and* outside of WA. I also confirm that negotiations to publish a recommended price guide for certain products which formerly used to be published in the Grocers' and Storekeepers' Journal are now at an advanced stage.

I also confirm that these negotiations have included discussions concerning the formation of a new peak body which should the above not discourage the ACCC from making any adjudication to revoke the authorization such that in essence, my position has not changed although I do understand that the legislation that the ACCC has responsibilities for (that is, the federal TPA) has, most definitely changed since the ACCC's employees first had contact with me about this matter.

Yours faithfully



Martin Dempsey - Chief Executive Officer

MBA; Grad Dip Applied Science (Media); B Psych; AFAMI; AIMM