



Our Ref: C2006/1833  
Contact Officer: Kelvin Binning  
Contact Phone: (02) 6243 1351

**Australian  
Competition &  
Consumer  
Commission**

29 November 2006

Mr Martin Dempsey  
Chief Executive Officer  
WA Retailers Association Inc  
PO Box Z5533  
PERTH WA 6831

PO Box 1199  
Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
ph (02) 6243 1111  
fax (02) 6243 1199  
[www.accc.gov.au](http://www.accc.gov.au)

Dear Mr Dempsey

### **Review of authorisation A14165 – final determination**

Thank you for your most recent letter of 31 October 2006 regarding the above authorisation. This letter is to inform you that the Australian Competition and Consumer Commission (the ACCC) has issued a determination revoking the above authorisation granted to the Retail Grocers and Storekeepers Association of Western Australia (RGSA) by the Trade Practices Commission (TPC) on 12 July 1979. The TPC is now the ACCC.

The authorisation granted in 1979 enabled the RGSA to publish a price guide in the *Grocers' and Storekeepers' Journal* which suggested prices for a wide range of retail grocery items for its members.

A copy of the ACCC's determination is enclosed. The ACCC's reasons for revoking the authorisation are set out in the determination.

Throughout the ACCC review of this matter you have raised various issues in relation to the authorisation. These issues have been considered in the attached determination and in the ACCC's letter addressed to you on 29 September 2006.

In this respect the ACCC notes your advice that the WA Retailers Association (WARA) is proposing to publish a price guide for small independent retailers. The ACCC notes that authorisation A14165 granted to the RGSA for the publication of a price guide in the *Grocers' and Storekeepers' Journal* can not provide immunity to any proposal by the WARA. Should the WARA consider that its proposed conduct may give rise to a breach of the *Trade Practices Act 1974* (the Act) it may choose to lodge an application for authorisation with the ACCC seeking immunity for the conduct. In doing so the WARA would need to demonstrate that the public benefits of its proposed price guide will outweigh the public detriments.

#### *Application for review*

Pursuant to section 101 of the Act, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 20 December 2006. If no application to review is lodged by this date, the ACCC's determination will come into force on 21 December 2006.



This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter or would like a copy of the determination sent to you, please do not hesitate to contact Kelvin Binning on (02) 6243 1351 or Joanne Palisi on (02) 6243 1323.

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