

## Stewart, Liam

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**Subject:** FW: Real Estate Institute of Western Australia application for authorisation A91026 [SEC=UNCLASSIFIED]

**Categories:** SEC=UNCLASSIFIED

**Attachments:** REIWA - Application and submission.pdf; REIWA - Indicative timetable.doc; Confidentiality Guidelines.pdf

**ACCC Classification:** SEC=UNCLASSIFIED

Our Ref: A91026  
Contact Officer: Liam Stewart  
Contact Phone: (02) 6243 1275

4 January 2007

To

### **Real Estate Institute of Western Australia application for authorisation A91026**

The Australian Competition and Consumer Commission (the ACCC) is currently conducting an interested party consultation process in relation to an application for authorisation made by the Real Estate Institute of Western Australia (REIWA). REIWA has sought authorisation for its Articles, Members Code of Practice, Auction Code of Conduct, Multiple Listing Service By-Laws and Standard Exclusive Agency Agreements.

It is relevant to note that while REIWA was granted authorisation A70011 on 20 August 2002 for similar arrangements, this is a new application which includes significantly revised, and some additional, documents.

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

### **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**

REIWA's full application is quite lengthy and accordingly, I have only attached the application form and supporting submission for your information. The full application including all the attachments is available on the ACCC's website: [www.accc.gov.au](http://www.accc.gov.au) (by following the public Registers and

Authorisations links) or can be emailed if you request.



REIWA -  
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### **Request for submissions on the application for authorisation**

To assist the ACCC in assessing the application for authorisation made by REIWA, 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.

The ACCC will progress its assessment of this application in a timely manner (an indicative timetable is attached). Accordingly, if you intend to provide a submission in relation to REIWA's application, I would be grateful if you could do so by close of business **Thursday, 8 February 2007**.



REIWA -  
ative timetable

### **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 email for your information.



Confidentialit  
Guidelines.pdf

Should you wish to lodge a submission, please address it to:

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

Submissions can also be lodged by email to [adjudication@acc.gov.au](mailto: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.

Should you have any queries or if you wish to discuss any aspect of this matter please do not hesitate to contact me on (02) 6243 1275.

Yours sincerely

Liam Stewart  
Assistant Director  
Adjudication Branch

### **Real Estate Institute of Western Australia A91026 – Indicative Timetable**

<b>22 December 2006</b>	Lodgement of application and supporting submission.
<b>4 January 2007</b>	First round of public consultation begins.
<b>8 February 2007</b>	Due date for first round of public consultation.
<b>February 2007</b>	Applicant responds to issues raised during public consultation.
<b>February/ March 2007</b>	ACCC conducts assessment.
<b>Late March 2007</b>	ACCC issues draft determination.
<b>April/May 2007</b>	Second round of public consultation process conducted. Conference held if called.
<b>May 2007</b>	ACCC issues final determination

### Interested Parties list

Law Society of Western Australia
Real Estate and Business Agents Supervisory Board
Property Owners Association of WA
Real Estate Institute of the Northern Territory
Consumers Association of Western Australia
Real Estate Institute of Victoria
Real Estate Institute of Australia
Professionals WA
Remax
Raine and Horne
Century 21
Ray White
Estate Agents Co-operative
Australian Consumers Association