



Australian  
Competition &  
Consumer  
Commission

Letter sent by email

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16 July 2007

«Title»«First\_Name» «Last\_Name»  
«Company»  
«Address\_1»

Dear «Title»«Last\_Name»

**Re: Office Choice Limited (Office Choice) application for authorisation A91058 -  
interested party consultation**

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 Office Choice.

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



## **Application for authorisation by Office Choice**

Office Choice has applied for authorisation, for a period of six years, to collectively negotiate on behalf of itself, Office National, Office Products Depot and their respective members, the terms and conditions on which office supplies are sold by suppliers.

Office Choice has applied for authorisation for collective negotiations to take place with current and future suppliers of stationary and office supplies.

A copy of Office Choice's application for authorisation and supporting submission is enclosed for your information. These documents will be available on the ACCC's website [www.accc.gov.au](http://www.accc.gov.au) (by following the Public registers and Authorisations links.)

## **Interim authorisation**

Office Choice has requested interim authorisation to permit it to commence collective negotiations on behalf of itself, Office National, Office Products Depot and their respective members, with suppliers.

Interim authorisation would allow the collective negotiation with Suppliers to commence as if it had full authorisation while the 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 benefits and detriments 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 benefits and detriments 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.

The ACCC is interested in your views on the request for interim authorisation. Should you intend to make comment on the application for interim authorisation, I would appreciate if you could do so by close of business **1 August 2007**.

## **Request for submissions**

To assist the ACCC in its consideration of the application it would be helpful to obtain your comments on the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed arrangements.

The ACCC asks for submissions to be in writing so they can be made publicly available. They are placed on a public register for this purpose.

Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register in certain circumstances. Submissions which are excluded from the public register may still be taken into account by the ACCC when conducting its assessment of an authorisation application. Guidelines for seeking exclusion from the public register are attached 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](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.

If you intend to provide a submission in relation to Office Choice's application for authorisation, please do so by **1 August 2007**. The ACCC will progress its assessment of the application in a timely manner. Set out below is an indicative timetable for your information.

#### Indicative Timetable

<b>12 July 2007</b>	Lodgement of application and supporting submission.
<b>16 July 2007</b>	Public consultation process begins.
<b>1 August 2007</b>	Closing date for submissions from interested parties.
<b>August 2007</b>	ACCC decision regarding interim authorisation.
<b>August 2007</b>	Applicant responds to issues raised in the public consultation process.
<b>August 2007</b>	Draft determination.
<b>September 2007</b>	Public consultation on draft determination including any conference if called.
<b>October 2007</b>	Final determination.

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 these applications 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 Gina D'Ettorre on 03 9290 1483.

Yours sincerely



Scott Gregson  
General Manager  
Adjudication Branch

## **Interested Parties**

Acco Aust  
Australian Newsagents' Federation  
Avery Dennison  
Bantex Pty Ltd  
BIC Australia Pty Ltd  
Big W  
Corporate Express  
Dalton Packaging Pty Ltd  
Esselte Australia Pty Ltd  
Fellowes Manufacturing P/L  
Harvey Norman  
Imation  
Jasco P/L  
Mitsubishi Pencil Australia  
Office Max Australia Pty Ltd  
Officeworks Superstores  
Pelikan Artline  
Pentel Australia  
PaperlinX Office  
Proctor and Gamble  
Sanford Aust  
Staedtler Pty Ltd  
3M Australia Pty Ltd