



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91026
Contact Officer: Shane Chisholm
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6 August 2007

«Contact»
«Interested_Party»
«Postal_address»

By email: «Email»

Dear «Salutation»

**Re: Application for minor variation by the Real Estate Institute of Western Australia
Authorisation A91026 - interested party consultation**

Introduction

The Australian Competition and Consumer Commission (the ACCC) is currently conducting an interested party consultation process in relation to an application to vary an authorisation previously granted to the Real Estate Institute of Western Australia (REIWA). As a possible interested party you are invited to comment on the issues outlined in this letter.

Background

Parties may apply to the ACCC for a minor variation to an already granted authorisation. To allow a minor variation, the ACCC must be satisfied that the variation would not result, or be likely not to result, in a reduction in the extent to which the benefit to the public of the authorisation outweighs any detriment to the public flowing from the authorisation.

When an application for a minor variation is received, the ACCC must inform interested parties of the nature of the variation applied for and invite submissions on the application. The ACCC may then issue a determination either varying the original authorisation or dismissing the application.

Original authorisation

On 18 April 2007 the ACCC granted authorisation for the arrangements contained in REIWA's Articles of Association, Members Code of Practice, Auction Code of Conduct, Multiple Listing Service By-Laws and the arrangement to make available for use the Standard Exclusive Agency Agreements. Authorisation A91026 was granted for five years.

Proposed minor variation

On 31 July 2007, the ACCC received an application for minor variation of authorisation A91026 from REIWA. The minor variation sought involves a proposed amendment to REIWA's Auction Code of Conduct. The proposed variation is designed to enable real estate agents who are members of REIWA to act in Court ordered auctions where no reserve price has been set, where the seller wishes to place a bid on the property.

For further information on REIWA's application for minor variation, please see the attached submission.

Request for submissions

To assist the ACCC in its consideration of the application for minor variation it would be helpful to obtain your comments on the likely public benefits and the likely public detriments from the proposed changes.

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 also 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
GPO Box 3131
CANBERRA ACT 2601

Submissions can also be lodged by email to adjudication@acc.gov.au or by facsimile on 02 6243 1211.

If you intend to provide a submission in relation to REIWA's application for minor variation, please do so by **cob 20 August 2007**. The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding this application for minor variation.

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 Shane Chisholm on (02) 6243 1252.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', written in a cursive style.

David Hatfield
Director
Adjudication Branch

REIWA Application for Minor Variation to A91026 – Indicative Timetable

31 July 2007	Lodgement of application for minor variation.
6 August 2007	Public consultation process begins.
20 August 2007	Closing date for submissions from interested parties.
27 August 2007	Applicant responds to issues raised in the public consultation process.
August 2007	ACCC assessment.
September 2007	ACCC determination.

The above letter was sent to the following interested parties:

- 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