



Australian
Competition &
Consumer
Commission

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Our Ref: C2007/25-02
Contact Officer: Gina D'Ettorre
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22 August 2007

Ms Jacqueline Downes
Partner
Allens Arthur Robinson
GPO Box 50
SYDNEY NSW 2001

Dear Ms Downes

Notification N90330 lodged by Eastern Suburbs Newspapers

I refer to your letter of 6 August 2007 and attachments regarding the above notification.

I note you have not explicitly requested the letter and attachments be excluded from the ACCC's public register, rather the document is marked "Strictly Confidential". As you will be aware, the ACCC's assessment or review of notifications and authorisations is a public process and therefore conducted openly.

However, the Act allows for parties providing information in relation to a notification or authorisation to request the information, or parts thereof, to be excluded from the public register. I have enclosed a copy of the ACCC's *Guidelines for excluding information from the public register* for your information.

Having regard to the extent to which the letter makes submissions in relation to the notification, and to enable effective public consultation, it would be useful to place certain key points on the public register.

In this regard I would appreciate your advice as to whether you would like to provide the ACCC with a public version of your letter which includes information in relation to the key points outlined below, so that it may be placed on the public register, or whether you would prefer the ACCC place this letter on the public register.


The key points made by News Ltd in its submission and which the ACCC considers would be useful for effective public consultation are as follows:

1. All real estate agents are offered the opportunity to advertise in the Wentworth Courier without being subject to the 75 percent requirement.
2. All real estate agents within the footprint ('circulation area') of the Wentworth Courier are offered the opportunity to advertise with the 75 percent requirement, regardless of their advertising spend.
3. Real estate agents who agree to the 75 percent requirement receive advertising rates that are lower than those offered to agents who place advertisements in the Wentworth Courier on a casual basis. In addition, those who sign up to contracts are also entitled to volume rebates. The volume rebates are paid once per year and are based upon the net dollar value of the paid print media advertising placed by the agent in the Wentworth Courier.
4. Agents that do not agree to the 75 percent commitment do not have a contract with the Federal Publishing Company Community Media Group, now called the Courier Newspaper Group (FPC). Rather they advertise with FPC at the casual rate, or at discounted casual rates.
5. Contracts including the 75 percent requirement are not offered to real estate agents outside the footprint of the Wentworth Courier or to developers.

I would appreciate your response by Wednesday, 29 August 2007.

Should you have any queries in relation to this matter, please do not hesitate to contact Gavin Jones on 03 9290 1475.

Yours sincerely


for Scott Gregson
General Manager
Adjudication Branch