



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2008/1450
Contact Officer: Gavin Jones
Contact Phone: 03 9290 1475

17 September 2008

Mr Hank Spier
Director
Spier Consulting
92 Jervois Street
DEAKIN ACT 2600

By email: spierconsulting@netspeed.com.au

Dear Mr Spier

Re: Australian Hotels Association Divisions in Victoria, Western Australia, South Australia, Tasmania and Northern Territory – Application for Minor Variation to Authorisation A90987

I refer to the above application for minor variation lodged with the Australian Competition and Consumer Commission (ACCC) by the Australian Hotels Association (AHA) on 5 September 2008.

As you would be aware, the *Trade Practices Act 1974* (the Act) provides that before the ACCC can progress an application for minor variation, it must be satisfied that the variation is in fact minor.

Having regard to the nature of the variation sought the ACCC has formed the view that the amendments contained in the AHA's application for minor variation to authorisation A90987 are not minor.

In particular, the ACCC considers that the proposal for AHA New South Wales to collectively bargain on behalf of its members with ThoroughVision Pty Ltd, an organisation which AHA New South Wales members have not previously been authorised to collectively bargain with, is not minor and is likely to involve a material change in the effect of the authorisation. The ACCC is not satisfied that the variation sought is a minor variation.

Staff would be happy to discuss with you what options are available to the AHA should it wish to obtain immunity from the Act for the proposed amendments. In particular, I note that the AHA is able to seek authorisation for the proposed changes by lodging an application for revocation and substitution of authorisation A90987.

A copy of this letter will be placed on the ACCC's public register.

Should you have any questions in relation to this matter please contact Gavin Jones on 03 9290 1475.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch