

# The West Australian

West Australian Newspapers Limited

Ms Lauren Roy  
Australian Competition & Consumer Commission  
23 Marcus Clarke Street  
CANBERRA ACT 2601  
Lauren.Roy@accc.gov.au

14<sup>th</sup> May 2009  
Letter - by email  
Letter and attachments - by courier

Dear Ms Roy

## **Collective bargaining notification CB00072 lodged by Australian Newsagents' Federation**

Thank you for your letter dated 7 May 2009.

West Australian Newspapers Limited (WAN) supports the collective bargaining procedure proposed by notification CB00072.

WAN's view is that the likely benefit to the public from the collective bargaining process proposed by that notification will outweigh any likely public detriment for the reasons articulated in the notification document.


In addition, in WAN's view, there are further public benefits to be gained by the process proposed by notification CB00072. These benefits were set out in my letter to Ms Claire McGinness of your office dated 4 May 2009. I enclose a copy of that letter and its attachments.

In summary, those further public benefits are as follows:

- 1 As far as WAN is aware no previous authorisation or notification for collective bargaining between WAN and its distributors has led to the resolution of any of the issues that exist between the parties.
- 2 Notification CB00072 has arisen out of the Interim Terms Agreed at Mediation between the parties to Western Australian Supreme Court proceedings CIV 1146 of 2009.
- 3 The process proposed by notification CB00072 gives rise to the real possibility, in WAN's view, of the resolution of issues between the parties:
  - (a) in respect of WAN and all distributors who have consented to the process outlined in notification CB00072; and
  - (b) the Supreme Court proceedings. If no resolution is reached those Supreme Court proceedings, the trial of which is currently adjourned pending the proposed process, are likely to be reinstated and continue to trial.

As I commented in my letter of 4 May 2009 in WAN's respectful view there should be a high level of comity between the approach of the ACCC and that of the Supreme Court of Western Australia with a view to resolving, as far as possible and between as many of the parties as possible, all issues between the parties which have been in existence for some time and which have to date been unable to be resolved.

Yours faithfully



David Aspinall  
for and on behalf of West Australian Newspapers Limited

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