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From: Hank Spier [mailto:spierconsulting@netspeed.com.au]
Sent: Monday, 1 June 2009 11:23 AM
To: Chadwick, Richard
Cc: Jones, Gavin; spierconsulting@netspeed.com.au
Subject: ACCS

Dear Sir,

Dr Fleming has asked me to respond to Gavin Jones letter of 29 May in relation to the "Exclusion of matters from the ACCC Public Register". I note that you have made the relevant decisions,

We note what is in the letter and, whilst we do not agree, we do not propose to take the matter any further. However my client wishes to make a few points,

- With the redaction of a lot of material by the Commission from the submission by the "unknown" person dated, 20 May 2009, it seems quite inappropriate to grant confidentiality to the person's identity. Assuming that that grant of confidentiality is within section 89 of the TPA. It seems unfair to my client that its members can be potentially defamed but that the person involved in such conduct is given protection by the ACCC.
- Dr Fleming is still of the view that he was misled when agreeing to the request by the ACCC for an extension of time for a final decision. He was of the view that that extension would only allow further consultation on the minor amendments to the Code resulting from queries raised by the ACCC and not allow further submissions on other matters.
- My client has undertaken a quick survey of the websites of members of the ASPS. That survey has found similar claims or offers on those websites to that have been raised in relation to ACCS members in the submission of 20 May 2009. See attached list of Websites.

I ask that this email be placed on the ACCC Public Register at the same time as the redacted submission of 20 May 2009.

Yours truly,

Hank Spier.

11/06/2009