



Gordon and Gotch
A PMP GROUP COMPANY

FILE No:

DOC:

MARS/PRISM:

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Thursday, January 22, 2009

Dr Richard Chadwick
General Manager, Adjudication
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Dear Dr Chadwick,

Application A9117

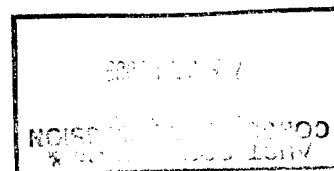
I refer to the application dated 18 December 2008 by Queensland Newsagents Federation Ltd and others ("**Applicants**") under section 88 of the *Trade Practices Act* for authorisation to make a contract, arrangement or understanding that would or might have the effect of substantially lessening competition ("**Application**").

Gordon and Gotch is one of the parties with whom the Applicants was previously authorised by the Commission to collectively negotiate on behalf of members of the Applicants, under the Commission's Authorisation No.A90804 dated 28 April 2004 ("**2004 Authorisation**").

Gordon and Gotch notes the following regarding the Applicants' Application:

1. the Applicants submit that the magazine distribution industry has 'changed little' since the 2004 Authorisation; and
2. the Applicants seek only to continue the 2004 Authorisation on its current terms. In particular:
 - a. The Applicants do not ask the Commission to broaden the scope of the 2004 Authorisation to include collective boycott activity; and
 - b. although the Applicants' submissions list "disputes resolution" and "matters incidental" as matters to be subject to collective negotiation, the Applicants have not provided any evidence or submissions in support of this. It appears the Applicants are not pressing for the expansion of collective negotiation matters from that authorised in the 2004 Authorisation.

In these circumstances, Gordon and Gotch neither supports nor opposes what appears to be the Applicants' application to extend the operation of the 2004 Authorisation on the same terms and conditions as currently apply.

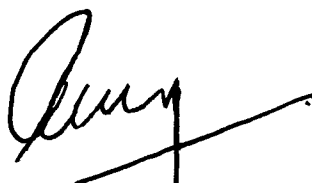


If however the Applicants, the Commission or any other party seeks to vary the conditions of the 2004 Authorisation, Gordon and Gotch reserves its rights regarding any such variation. I request that sufficient notice be given for Gordon and Gotch to prepare and file material in relation to any such proposed variation.

I also request that Gordon and Gotch continue to be provided copies of all material in relation to the Applicant's Application.

If you have any further queries, please feel free to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Craig Davison', with a long horizontal stroke extending to the right and a vertical line extending downwards from the end of the signature.

Craig Davison
Managing Director