



**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: C2009/780
Contact Officer: Clare McGinness
Contact Phone: (02) 6243 1049

5 August 2009

Dear Sir/Madam

**Australian Newsagents' Federation Ltd - application for authorisation A91174
- draft determination and interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has received a further application for authorisation from the Australian Newsagents' Federation Ltd (the ANF).

The application is to take account of amendments introduced by the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009* which commenced on 24 July 2009. The conduct for which authorisation is being sought under application A91174 is the same conduct that the ANF originally sought authorisation for on 17 April 2009 (authorisation application A91134).

In particular, the ANF is seeking authorisation to engage in collective negotiations on behalf of member newsagents with certain publishers and distributors of newspapers and magazines.

A copy of the new application A91174 is available from the ACCC's website (www.accc.gov.au/AuthorisationsRegister).

As you may recall the ACCC issued a determination in respect of application A91134 on 16 July 2009, proposing to grant conditional authorisation to these arrangements for five years.

The ACCC has now issued a draft determination responding to the application for authorisation A91174 lodged by the ANF on 28 July 2009. In reaching this determination the ACCC has relied upon the submissions of the applicant and interested parties previously provided to it in response to application A91134. Attached is a copy of the ACCC's draft determination.

Next steps

Once the ACCC issues a draft determination, the applicant or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the

draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **20 August 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **20 August 2009**.

The ACCC will consider any submissions it receives, including any submissions previously provided to it in respect of application for authorisation A91134, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

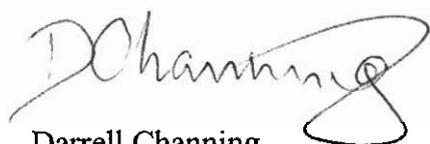
Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

28 July 2009	Lodgement of application and supporting submission.
5 August 2009	ACCC decision regarding interim authorisation.
5 August 2009	Draft determination.
August 2009	Public consultation on draft determination including any conference if called.
August 2009	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Clare McGinness on (02) 6243 1049.

Yours sincerely



Darrell Channing
Director
Adjudication Branch