



**Australian
Competition &
Consumer
Commission**

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Mr Hank Spier
Spier Consulting
Level 3, 24 Brisbane Ave
BARTON ACT 2600

Dear Mr Spier

By e-mail: spierconsulting@netspeed.com.au

**Australian Hotels Association application authorisation A91257
– final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by the Australian Hotels Association's Divisions on 25 October 2010 and revised on 30 March 2011.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation until 30 June 2016. The ACCC's assessment is set out in Chapter five of its determination.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 11 May 2011. If no application to review is lodged by this date, the ACCC's determination will come into force on 12 May 2011.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

When authorisations expire

Towards the end of the period of authorisation, the holders of an authorisation may either:

- apply for a new authorisation for the conduct or apply to revoke and substitute the existing authorisation or
- stop the conduct (unless they consider that the conduct no longer risks breaching the Act).

Upon receipt of an application for 'reauthorisation', the ACCC will assess the arrangements afresh – namely, it conducts a public consultation process to help assess the public benefits and public detriments that are likely to result from the arrangements.

While the ACCC will consider any application for 'reauthorisation' based on the circumstances at that time, in many cases, this assessment can be informed by whether the proposed public benefits and potential detriments were realised during the previous term of authorisation.

Should the AHA Divisions consider it likely that they will seek 'reauthorisation' of the collective bargaining arrangements in the future, the ACCC expects the AHA Divisions will collect evidence of the public benefit and detriment outcomes produced by the arrangements during the period of authorisation and that this evidence will be provided to the ACCC in support of any future application for 'reauthorisation'.

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 Susan Philp on 02 6243 1347.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch