



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2011/660  
Contact Officer: Gina D'Ettorre  
Contact Phone: 03 9290 1483

3 August 2011

**BY EMAIL**

Dear Sir/Madam

**Application for authorisation A91269 lodged by the Newsagents Association of NSW & ACT Ltd (NANA) - interested party consultation**

On 1 August 2011, the Australian Competition and Consumer Commission (the ACCC) received an application for authorisation from the Newsagents Association of NSW & ACT Ltd (NANA) for a collective bargaining arrangement with NSW Lotteries.

NANA has requested that its application for authorisation be considered for interim authorisation. This application will also be considered by the ACCC under the streamlined collective bargaining arrangements for small business. Under the streamlined process, the ACCC will undertake to respond to requests for interim authorisation and issue a draft determination within 28 days of receiving an application and will finalise its consideration of the application within 3 months.

The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

**Collective bargaining arrangement**

NANA is seeking authorisation to collectively bargain on behalf of its members with NSW Lotteries in relation to the terms and conditions of agency agreements and distribution services which include: commission fees; handling fees; agency application fees; support services levies; freight charges; product ordering fees; equipment hire costs; retail image design and agency subsidy and insurances; and any conduct protocols issued by NSW Lotteries.

NANA has submitted that the proposed arrangements will provide newsagents with a greater opportunity to provide input into terms and conditions of distribution arrangements and will lead to cost savings. Balanced against this NANA considers that the arrangements will not result in anti-competitive detriment. In particular NANA notes that participation in the proposed bargaining arrangements will be voluntary for all parties.

A full copy of the application for authorisation is available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>. Alternatively, you can contact Gina D'Ettorre on 03 9290 1483 to obtain a hard copy of the application and submission.

### **Interim authorisation**

NANA has also has requested interim authorisation for the proposed collective bargaining arrangement as negotiations with NSW Lotteries could commence any day. If granted, interim authorisation would enable NANA to commence collective negotiations with NSW Lotteries prior to the ACCC issuing a final decision.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

### **Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements. The ACCC would also appreciate your views in relation to NANA's request for interim authorisation.

If you intend to provide a submission in relation to NANA's application for both the substantive application and interim authorisation, please do so by **Monday, 15 August 2011**.

Alternatively, if you would like to provide comments orally, please contact Gina D'Ettorre on 03 9290 1483 to organise a suitable time.

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

There will also be an opportunity for further consultation, including making a submission following release of the draft determination in August 2011.

## Timetable

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

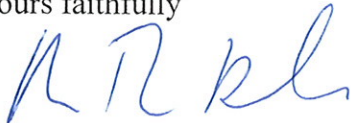
<b>1 August 2011</b>	Lodgement of application and supporting submission.
<b>3 August 2011</b>	Public consultation process begins.
<b>15 August 2011</b>	Closing date for submissions on substantive application and interim authorisation.
<b>by 29 August 2011</b>	ACCC decision regarding interim authorisation and draft determination.
<b>August/September 2011</b>	Public consultation on draft determination including a pre-decision conference if called.
<b>October/November 2011</b>	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 me on 03 9290 1893 or Gina D'Ettorre on 03 9290 1483.

Yours faithfully



Marie Dalins  
Director  
Adjudication Branch

**A91269 – Newsagents Association of NSW & ACT Ltd (NANA)**

Interested parties consulted

1. 7-Eleven
2. ACT Gambling & Racing Commission
3. Australian Association of Convenience Stores
4. Australian Newsagents Federation
5. Intralot Australia
6. Lotterywest
7. NSW Office of Liquor, Gaming & Racing
8. SA Lotteries
9. Tatts Lotteries