



**Australian
Competition &
Consumer
Commission**

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

26 August 2011

BY EMAIL

Dear Sir/Madam

Application for authorisation A91269 lodged by the Newsagents Association of NSW & ACT Ltd - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Newsagents Association of NSW & ACT Ltd (NANA) on 1 August 2011.

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.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for five years. The ACCC's assessment is set out in Chapter 4 of the draft determination on pages 9 to 20.

Interim authorisation

The ACCC has also granted interim authorisation to allow NANA to commence collective bargaining with NSW Lotteries while the ACCC considers the application for authorisation. Interim authorisation will remain in place until the ACCC's final decision comes into effect or until the ACCC decides to revoke interim authorisation.

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 **Friday, 9 September 2011**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **Friday, 16 September 2011**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, 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).

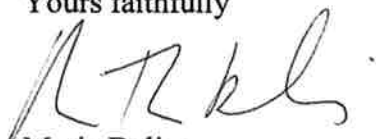
Timetable

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.

1 August 2011	Lodgement of application and supporting submission.
3 August 2011	Public consultation process begins.
15 August 2011	Closing date for submissions on substantive application and interim authorisation.
26 August 2011	ACCC decision regarding draft determination and interim authorisation granted.
9 September 2011	Deadline to request a conference.
16 September 2011	Closing date for submissions from interested parties.
23 September 2011	Closing date for submission from NANA in response to interested party submissions.
October 2011	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 me on 03 9290 1893 or Gina D'Ettorre on 03 9290 1483.

Yours faithfully

A handwritten signature in black ink, appearing to read 'MDalins', written in a cursive style.

Marie Dalins
Director
Adjudication Branch

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

Draft Determination - interested parties consulted

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