

Our Ref: A91354 - A91357
Contact Officer: Tanya Hobbs
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**Australian
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19 July 2013

By email

Dear Sir/Madam

**Homeworker Code Committee Incorporated - Revocation & Substitution
A91354 - A91357 - PRE-DECISION CONFERENCE – confirmation of details**

The purpose of this letter is to confirm your attendance at a pre-decision conference to be held in relation to the Homeworker Code Committee Incorporated's applications for authorisation A91354 - A91357. The letter also provides further details regarding the pre-decision conference and an updated indicative timetable.

In an email received on 25 June 2013 by the Australian Competition and Consumer Commission (the ACCC), Technical Fabric Services Australia (TFS) requested that the ACCC convene a public conference in relation to the draft determination issued by the ACCC on 21 June 2013 proposing to grant authorisations A91354 - A91357.

The draft determination follows an application for authorisation to permit the continued operation of the Homeworkers Code of Practice. The ACCC concluded in its draft determination that on balance, it was satisfied that the public benefit likely to flow from the proposed arrangements would outweigh the likely anti-competitive detriment and proposed to grant authorisation to the application. A copy of the application and draft determination can be found on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

A pre-decision conference provides a valuable opportunity for applicants and interested parties to make public oral submissions to the ACCC about its draft determination.

The ACCC will hold the conference on **Thursday 1 August 2013**, at the ACCC's Melbourne office at Level 35, The Tower, 360 Elizabeth Street, Melbourne. Video conference links have also been arranged to allow interested parties to attend the conference at the ACCC's offices in Brisbane (Level 24, 400 George Street, Brisbane), Canberra (23 Marcus Clarke Street, ACT) and Sydney (Level 20, 175 Pitt Street, Sydney).

The conference is scheduled for 2 hours and will commence at **9:30am AEST**. ACCC Commissioner, Sarah Court, will chair the conference.

The parties which have nominated to attend the conference are listed at **Annexure A**, including the office at which the ACCC understands they will attend. Please contact Tanya Hobbs on 02 6243 1029 should you consider that your details in Annexure A are incorrect.

I would also note that, while conference participants may bring outside legal or other professional advisers to assist them, these advisers are not entitled to participate in conference discussions.

Attached for your information at **Annexure B** are the procedures usually followed at pre-decision conferences. I note that pre-decision conferences are public and a summary of the points made at the conference will be placed on the ACCC's public register.

Under section 90 of the *Competition and Consumer Act 2010*, a request to hold a pre-decision conference extends the ACCC's statutory timeframes to make its final determination in relation to an application for authorisation. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
25 June 2013	Pre-decision conference requested
28 June 2013	Interested parties notified of pre-decision conference
16 July 2013	Deadline to nominate to attend the pre-decision conference
1 August 2013	Pre-decision conference held
5 August 2013	Deadline to submit final submissions following the pre-decision conference
6 August 2013	ACCC will provide public submissions to the Applicant and a non-identifying summary of any further concerns submitted confidentially
19 August 2013	Deadline for Applicant to respond to interested party submissions
September/October	Final determination

A copy of this letter has been placed on the ACCC's public register. If you require any further information in regard to the conference, please do not hesitate to contact Tanya Hobbs on 02 6243 1029.

Yours sincerely



David Hatfield
Acting General Manager
Adjudication Branch

List of Parties Attending

Revocation & Substitution A91354 - A91357

Homeworker Code Committee Incorporated

Pre-Decision Conference

9:30am AEST, 1 August 2013

ACCC Melbourne Office – Level 35, The Tower, 360 Elizabeth Street, Melbourne

ACCC Sydney Office (VCU) – Level 20, 175 Pitt Street, Sydney

ACCC Brisbane Office (VCU) – Level 24, 400 George Street, Brisbane

ACCC Canberra Office (VCU) – 23 Marcus Clarke Street, ACT

Entity represented	Representative/s
Homeworker Code Committee	<p>Simon McRae (Melbourne) National Manager (Ethical Clothing Australia, the day to day arm of the Code Committee)</p> <p>Vivienne Wiles (Melbourne) TCFUA representative on the Code Committee</p> <p>Zoe Jenkins (Melbourne) Employer representative on the Code Committee (NSW Business Chamber)</p>
Technical Fabric Services Australia	Evangeline Agius (Brisbane) Owner
Flicker’s Australia Pty Ltd	Dr Yaron Flicker (Melbourne) Managing Director
Council of Textile and Fashion Industries of Australia (TFIA)	Richard Evans (Melbourne) CEO
Career Keys	Kevin Heisner (Brisbane) Head of Department, Clothing Production
TFIA Cluster Leader and Independent Consultant	Meriel Chamberlin (Brisbane)
Creative Industries Skills Council	Sam Nicolosi (Brisbane) Manager
Merino Country	Kerrie Richards (Brisbane) Owner

<p>Textile, Clothing and Footwear Union of Australia</p>	<p>Michele O'Neil (Melbourne) National Secretary (spokesperson)</p> <p>Oanh Tran (Melbourne) Industrial Officer</p> <p>Elizabeth Macpherson (Melbourne) Organiser</p>
<p>Fashion Positions Recruitment</p>	<p>Paulette Steele (Brisbane) Owner</p>
<p>Skola Uniforms</p>	<p>Martyn Smith (Brisbane) Product Manager</p> <p>Gloria Gavranic (Brisbane) Owner</p>
<p>Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education</p>	<p>Ken Lonnie (Canberra) Manufacturing Division</p>

AN OUTLINE OF THE PROCEDURES USUALLY FOLLOWED AT CONFERENCES IN RELATION TO APPLICATIONS FOR AUTHORISATION

The Australian Competition and Consumer Commission (ACCC) tries to conduct such conferences as informally, flexibly and speedily as possible.

An interested party attending a public conference may have the assistance of outside legal or other professional advisers, however, they are not entitled to participate in the discussion.

The conference will serve a useful purpose in that it gives the ACCC and all interested parties the opportunity to meet publicly face-to-face to discuss the operation and effect of the applicant's conduct and the ACCC's draft determination. The applicant and/or interested persons have the opportunity to persuade the ACCC to accept their view. The ACCC benefits from direct contact with the parties, and its perceptions of public benefits and detriments are tested in a forum of interested parties where points are often quickly and forcefully made.

1. Preliminary procedures

- (a) When you arrive at the conference you should identify yourself to ACCC staff before the conference begins. Further, please complete the attendance book when arriving at the conference. This assists ACCC staff to identify attendees for the purpose of recording the discussion.
- (b) The Chair (a Commissioner) will open the conference by welcoming those present and outlining the requirements of the *Competition and Consumer Act 2010* and the manner in which the conference will be conducted.
- (c) If you intend to present a written comment (and you are encouraged to do so), it is helpful if the ACCC receives it before the conference date. It can then be copied and distributed at the conference. In this way, both the ACCC and other parties present are assisted, and your submission forms part of the conference record. If you cannot complete the written submission earlier, it is helpful if you come to the conference with extra copies which can be distributed.
- (d) Any document you present without making any request for it to be excluded from the public register will be placed on the ACCC's public register.

If you intend to present a submission at the conference and you wish it (or certain details in it) to be excluded from the public register, you should make your request to the Chair at the time of presenting the document, and you should state in general terms the reason for your request. (See the ACCC's [Guidelines for excluding information from the public register](#)).

2. General procedures

- (a) The public conference has been convened to discuss the draft determination, to canvass points of view and to assist the ACCC's weighing of issues and its interpretation of the information given to it.
- (b) The procedure is discretionary. The Chair controls the order of discussion, and may take particular topics separately, so that all the discussion on any given topic may be heard at the one time.

- (c) The conference is not a court, and there is no right of cross-examination. You may request the Chair to ask questions of other parties present, but the Chair retains the discretion as to whether your questions will be put. The Chair, of course, may also directly question the parties at the conference, and they have discretion whether or not to answer.
- (d) ACCC staff present will make a record of the discussion. This will be in minute form, not a verbatim record. The conference record is placed on the public register, and all who attend the conference will receive a copy.
- (e) When the Chair believes that all present have been given a reasonable opportunity to express their views, he/she may terminate the conference.
- (f) The Chair (and any other Commissioner at the conference) cannot give a final decision at the close of the conference. Each Commissioner is only a representative of the ACCC and is required to report back to the ACCC, which will make the final decision.

3. Other matters

- (a) Following the pre-decision conference, the ACCC will review its draft determination in the light of discussion and further submissions made prior to or at the conference (or within a set period of time after the conference), and will publish its final determination as soon as possible thereafter.

4. Media involvement

- (a) Conferences are not public hearings and the Competition and Consumer Act 2010 limits the right to attend to interested parties. In some cases, members of the media may wish to attend a conference to report on the proceedings. In these instances, the Commissioner chairing will seek the views of the interested parties on whether the attendance of media representatives would restrict interested parties from freely expressing their views. If objections are raised, the Commissioner may ask the members of the media not to attend or to leave the conference.
 - (b) If there are no objections and media representatives do attend, the Commissioner will ask that no quotes are taken from the conference discussion. If quotes from particular parties are desired, they should be approached outside of the conference.
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