



**Australian
Competition &
Consumer
Commission**

Our Ref: A91252-A91255
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Dear Sir/Madam

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Homeworker Code Committee application for interim authorisation – interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received an application for re-authorisation (application for revocation and substitution) from the Homeworkers Code Committee. This application also included a request that interim authorisation be granted. The ACCC is currently conducting an initial consultation process specifically in relation to that application for urgent interim authorisation.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application for interim authorisation. Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Application for urgent interim authorisation

The application for interim authorisation relates to the current Homeworkers Code of Practice (the Code). The Code is a voluntary mechanism where retailers, manufacturers, wholesalers, warehouses and fashion houses have agreed to ensure compliance with minimum conditions regarding the employment of homeworkers in the fashion industry.

The existing authorisations previously granted by the ACCC in relation to the Code are due to expire on 11 March 2013. Accordingly, the Homeworker Code Committee is seeking urgent interim authorisation to extend this protection in order to maintain the status quo whilst the ACCC further considers the application for revocation of its existing authorisations and substitution of further authorisations. If granted, this would mean that protection for conduct in accordance with the existing Code (as previously authorised by the ACCC) would be extended. Interim authorisation will usually remain in place until the ACCC makes a final decision in relation to the substantive application, unless the ACCC makes an earlier decision to revoke the protection afforded by the interim authorisation.

Copies of this new application and the authorisation that is currently in place (A91252-5) are available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

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.

The ACCC invites you to make a submission prior to **COB Monday 4 March 2013** in relation to the above factors and any other factors that you consider relevant to the ACCC's consideration of interim authorisation. You may provide any submission via email to adjudication@acc.gov.au or orally to Tanya Hobbs on (02) 6243 1029. You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Further consultations and next steps

The ACCC proposes to conduct further consultation in relation to the Homeworke Code Committee's substantive application for authorisation and will provide an indicative timetable in relation to the matter at that time.

The ACCC also notes that the Homeworke Code Committee has indicated in its submission that it expects a revised version of the Code to be submitted to the ACCC in early March. If this occurs, separate consultation with interested parties will be undertaken.

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 Tanya Hobbs on (02) 6243 1029 or tanya.hobbs@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch