



**Australian  
Competition &  
Consumer  
Commission**

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31 October 2014

Dear Sir/Madam

**W.A.T.A.B Agents' Association Incorporated application for authorisation  
A91463 – interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for authorisation received from W.A.T.A.B Agents' Association Incorporated (the Association) on 29 October 2014.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. 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 authorisation**

The Association is seeking authorisation for ten years on behalf of present and future members, to collectively bargain with Racing and Wagering Western Australia (RWVA) or any entity which holds the licence to conduct off-course totalisator operations for the purpose of section 4 of the *Racing and Wagering Western Australia Act 2003*.

The Association proposes negotiating with RWVA about the terms and conditions of the provision of services by Association members to RWVA, including the appointment, extension or renewal of a contract or arrangement for the provision of those services. The Association also seeks to participate in resolving disputes (as referred to the Disputes Review Committee) between RWVA and an agent or agents.

A copy of the application is available on the ACCC's website [www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister).

**Background**

On 30 June 2005, the ACCC granted authorisation A90652 allowing the Association to represent agents in collective bargaining with RWVA. This authorisation expired on 30 June 2011.

**Interim authorisation**

The Association has also sought interim authorisation to commence negotiations with RWVA immediately while the ACCC is assessing the substantive application for authorisation.

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 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 collective bargaining arrangements. If relevant, the ACCC invites you to outline your general experience under the previously authorised collective bargaining arrangement..

If you intend to provide a submission in relation to the Association's request for interim authorisation and substantive application for authorisation please do so by **10 November 2014**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91463 – from W.A.T.A.B Agents' Association Incorporated – submission".

Alternatively, if you would like to provide comments orally, please contact Anna Giannakos on 03 9290 6920 or via email [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) to organise a suitable time.

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](#).

### **Timetable**

The Association has sought consideration of its application under the ACCC's streamlined process for small business collective bargaining arrangements. Under this process the ACCC will endeavour to provide a response to requests for interim authorisation and its draft determination within 28 days. The ACCC will also endeavour to issue its final determination within three months.

An indicative timetable is set out below for your information.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>29 October 2014</b>	Lodgement of application and supporting submission.
<b>31 October 2014</b>	Public consultation process begins.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>10 November 2014</b>	Closing date for submissions on interim authorisation and substantive authorisation.
<b>17 November 2014</b>	Applicant responds to issues raised in the public consultation process.
<b>Late Nov 2014</b>	ACCC decision regarding interim authorisation and draft determination.
<b>December 2014</b>	Public consultation on draft determination including any conference if called.
<b>January 2015</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 Anna Giannakos on (03) 9290 6920 or adjudication@acc.gov.au.

Yours sincerely



Susan Philp  
 Director  
 Adjudication Branch

**Interested parties list**

Association members [confidentiality claimed]

Department of Racing Gaming and Liquor (WA)

Racing and Wagering Western Australia