



**Australian
Competition &
Consumer
Commission**

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26 November 2014

Dear Sir/Madam

W.A.T.A.B Agents' Association Incorporated application for authorisation A91463 – draft determination and interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination and has granted interim authorisation in respect of the application for authorisation lodged by W.A.T.A.B Agents' Association Incorporated (the Association) on 29 October 2014.

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 (RWWA) 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 RWWA about the terms and conditions of the provision of services by Association members to RWWA, 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 RWWA and an agent or agents.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for ten years.

Interim authorisation

The ACCC has also granted interim authorisation to allow the Association to allow the Association to commence negotiations with RWWA. The interim authorisation will remain in place until the date the ACCC's final determination comes into effect, or until the ACCC decides to revoke interim authorisation. This interim authorisation does not permit the Association's members to collectively enter into any contracts with RWWA.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **10 December 2014**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91463 W.A.T.A.B Agents' Association Incorporated – submission".

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 **10 December 2014**.

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 the application.

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.

Indicative date	Stage in assessment process
29 October 2014	Lodgement of application and supporting submission.
26 November 2014	ACCC decision regarding interim authorisation and draft determination.
10 December 2014	Closing date for submissions on the draft determination including any conference if called.
January 2015	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 Anna Giannakos on 03 9290 6920 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Hatfield', is positioned above the typed name.

David Hatfield
Director
Adjudication Branch