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March 4, 2014

Ms S Philp
Director, Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3113
Canberra ACT 2601
BY FAX

FILE No:
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Dear Ms Philp

REF: TRACKIT 53773

Australian Newsagents Federation Application for revocation of authorization A91134 and A91174 and substitution of new authorization A91407 – interested party consultation

Your February 12, 2014 is the first we heard that the Australian Newsagents' Federation (ANF) identified newsXpress Pty Ltd as a business with which they would like to collectively bargain.

We are unaware of any collective bargaining interest the ANF has in relation to our business.

newsXpress is a newsagency marketing group currently serving in excess of 160 newsagency businesses. We operate under a franchise agreement with each member business and adhere to the franchise code of conduct.

We cannot think of any situation in which the ANF would want to negotiate with newsXpress on behalf of newsagents represented by the ANF.

The ANF engages in commercial activity that competes with some activities of newsXpress. It is our view that their commercial activities place the ANF in conflict with the activities one would expect of an industry association for it is the one body engaging in commercial activity and representing some newsagents.

The ANF application has no public benefit that we can see now would it drive or improve competition. Indeed, given the ANF conflict of interest, one could argue it could stifle competition.

Sincerely,


Mark Fletcher
Managing Director