

Our Ref: 57968
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**Australian
Competition &
Consumer
Commission**

13 August 2015

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Dear Sir or Madam

Exclusive dealing notification N98410 lodged by Equestrian Australia

I write to invite you to provide a submission on the exclusive dealing notification lodged by Equestrian Australia with the Australian Competition and Consumer Commission (ACCC) on 30 July 2015. The notification is available on the ACCC's public register at the link here:

[Public register](#)

While the ACCC has already received a number of submissions about the notified conduct it has decided to commence a formal consultation process to ensure that all potentially interested parties have an opportunity to comment on the conduct.

The notified conduct

Equestrian Australia proposes to offer equestrian sports event services (Event Services) to owners and/or riders of equestrian sports horses who are members of Equestrian Australia through membership of a state branch of Equestrian Australia (Entrants), on condition that, in certain circumstances, horses have been vaccinated against the Hendra virus.

Equestrian Australia advised that official Equestrian Australia events are organised on its behalf through various organising committees, constituted by volunteer members. As Equestrian Australia delegates, all persons comprising an organising committee are responsible for the proper conduct of the event in accordance with EA rules and international standards.

Equestrian Australia confirmed that the condition only relates to horses that have recently resided in Hendra endemic areas (Northern NSW and Queensland) within a specified period and the condition will only apply to a specific event if the relevant organising committee considers that there is a bio-security risk based on a biosecurity risk assessment for that particular event in accordance with the *Horse Venue Biosecurity Workbook* published by Animal Health Australia.

ACCC's role

The ACCC's role is to enforce the *Competition and Consumer Act 2010* (CCA) and a range of additional legislation promoting competition, fair trading and regulating national infrastructure for the benefit of all Australians.

The conduct proposed by Equestrian Australia may be at risk of breaching the competition provisions of the CCA by engaging in conduct that could be considered third line forcing conduct.

By notifying the conduct to the ACCC, Equestrian Australia automatically gains statutory protection from the competition provisions of the CCA for this conduct 14 days after it has lodged the notification. Statutory protection conferred by the notification commences today, 13 August 2015.

The ACCC may act to remove the statutory protection provided by the notification if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct. In order to assist the ACCC to make this assessment we are seeking the views of potentially interested parties.

Please keep in mind that the ACCC's role in assessing notifications is as a competition regulator. The ACCC is not the relevant agency to deal with concerns about the efficacy or safety of the Hendra vaccine (including adverse reactions to it). The ACCC understands that concerns about the efficacy or safety of the Hendra vaccine should be reported to the Australian Pesticides and Veterinary Medicines Authority (APVMA). The ACCC will also be consulting with federal and state biosecurity agencies about relevant biosecurity measures.

Invitation to make a submission

The ACCC invites you to make a submission on your view about any likely public benefits, any harm to competition, or any other public detriment that you consider may arise from the notified conduct.

If you intend to provide a submission in relation to Equestrian Australia's notification, please do so by **Friday, 4 September 2015**. Submissions can be emailed to adjudication@acc.gov.au, with the subject "N98410 – Equestrian Australia – submission".

Submissions will be placed on the ACCC's public register subject to any request you make for material to be excluded from the register. For further information about excluding information from the ACCC's public register, the notification process or the ACCC's role in assessing notifications, and how to make a submission please see the ACCC's publication [Guide to exclusive dealing and excluding information](#)

The ACCC has already received a number of submissions expressing views on this notification. These will be placed on the ACCC's public register once confirmation has been received from each party that there is nothing confidential contained in their submission. If you have already provided a submission on this matter, you do not need to resubmit it.

You may wish to forward this letter to any other person you think may wish to make a submission to the ACCC regarding the notification.

A copy of 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 Gina D'Ettorre on 03 9290 1483 or by email at adjudication@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch