



**Australian  
Competition &  
Consumer  
Commission**

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28 April 2015

Mr Paul Holm  
Andrews & Holms Lawyers

**By email:** paul.holm@ahlaw.com.au

Dear Mr Holm

**Association of Magazine Publishers of Australia Inc application for authorisation  
A91472 – follow up from Conference**

The ACCC appreciated MPA's participation in the conference held on 23 April 2015 to discuss the ACCC's draft determination on the above authorisation.

A number of issues arose during the conference that the ACCC wanted to clarify with the MPA to assist its ongoing consideration of the application and preparation of a final determination.

Representatives of the MPA at the conference indicated that under the proposed Pilot, the publishers would conduct analysis to seek to determine the optimal mix of magazine titles for each participating newsagent, but those newsagents would have the final say on which titles they received over the period of the Pilot. However, the number of copies of each of those titles would still be determined by the publishers and distributors.

And in response to concerns raised that the Pilot arrangements did not allow for participating newsagents to make any 'early returns', representatives of the MPA indicated that magazine returns were allowed under the Pilot, but only after 30 days from delivery.

Newsagents having the final say on the range of titles and returns being allowed after 30 days do not appear to be contained in the description of the Pilot arrangements for which authorisation has been sought.

Further, the MPA committed to the Pilot being a 'fully transparent process' and that 'all data from the Pilot would be available to all parties'. Can you please explain the mechanisms for making the Pilot process transparent and what data will be made available and to whom.

Can the MPA please explain how it intends to give effect to these commitments in a way that the ACCC might rely upon them in its assessment of the application for authorisation.

The MPA mentioned the possibility of a Pilot involving a second group of 20 newsagents to use as a control group. I note that this is unlikely to be covered by the current application for authorisation, so to the extent such a second Pilot program may raise concerns under the CCA, you may wish to consider whether an amendment to the current application to deal with any second group may be warranted.

To ensure time is allowed for adequate consideration of and consultation on the MPA's response to these issues, please provide a response by **COB 5 May 2015**.

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 Hannah Ransom on (02) 6243 1255 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick', with a long horizontal stroke extending to the right.

Richard Chadwick  
General Manager  
Adjudication