

1st of July 2020

Darrell Channing
Director Adjudication
Australian Competition and Consumer Commission

By email: adjudication@acc.gov.au

RE: submission by NLNA dated 22 June 2020

Dear Darrell,

I refer to the submission by NLNA dated 22 June 2020.

ALNA wishes to make a few comments.

Authorisation by the ACCC grants exemption from the competition provisions of the CCA. Such exemption should not be taken lightly, and authorisations should not be misused, but as you know the fact of ACCC authorisation is that sometimes they are used in a misleading way. The onus is on the Applicant and their Application to justify the authorisation, not the ACCC.

It is quite clear from the Applicants own statements that its only members are VANA members, members who already have protection under the VANA authorisation. The Applicant on its website invites 'subscribers', these do not appear to be "members" of NLNA nor "members" of any collective bargaining group. Nor should they be, there are none of the hallmarks of a trade association.

NLNA appears to be an association by name only, in search of 'members'.

The Applicant says that there is little public detriment. That is not the ultimate test, the test is one of public benefit. If there are no members except the VANA members, then all the normal public benefits accepted by the ACCC for collective bargaining will not exist. Benefits such as cutting transaction costs. How can an authorisation be justified if it is simply a duplication of the exemption already in place?

The Application adds nothing to the VANA authorisation and is speculative. To authorise the Application undermines the integrity of the statutory authorisation process.

Kind regards



Ben Kearney

Chief Executive Officer
Australian Lottery and Newsagents Association

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