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Voller, Samuel

From: Voller, Samuel
Sent: Wednesday, 22 November 2017 11:37 AM
To: 'Melissa Hodges'; 'Andrew Dunshea'
Cc: Howarth, David; 'Adams, Shane'
Subject: RE: Albury Radio Taxis Co Operative Society, ACCC Investigation [SEC=UNCLASSIFIED]
Attachments: Signed letter to Albury Taxis - 22 November 2017.pdf

Security Classification: UNCLASSIFIED

Dear Melissa and Andrew,

Please refer to the *attached* correspondence.

Kind regards,

Samuel Voller

Investigator | Enforcement NSW & ACT
Australian Competition & Consumer Commission
Level 20 | 175 Pitt Street Sydney 2000
T: +612 9230 9171
www.accc.gov.au

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

From: Voller, Samuel
Sent: Friday, 17 November 2017 4:58 PM
To: Melissa Hodges; 'Andrew Dunshea'
Subject: RE: Albury Radio Taxis Co Operative Society, ACCC Investigation [SEC=UNCLASSIFIED]

Dear Melissa and Andrew,

Thank you for letter. We will provide you with a full response shortly.

Kind regards,

Samuel Voller

Investigator | Enforcement NSW & ACT
Australian Competition & Consumer Commission
Level 20 | 175 Pitt Street Sydney 2000
T: +612 9230 9171
www.accc.gov.au

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From: Melissa Hodges [<mailto:melissa@steeleandco.com.au>]
Sent: Friday, 17 November 2017 3:06 PM
To: Voller, Samuel
Subject: Albury Radio Taxis Co Operative Society, ACCC Investigation

STEELE+CO
LAW AND CONVEYANCING

Solicitor/Director
And
Andrew Dunshea LLB

Solicitor
Lisa McLoughlan LLB
Aaron Keating LLB

Licensed Conveyancer
Kate Jameson CPC
Carol Smith CPC

Our Ref: AD:MH:178998
Contact: Andrew Dunshea
Your Ref: Haydon Letcher

17 November 2017

Mr H Letcher & Mr S Voller
Australian Competition and Consumer Commission

By Email

Dear Sir

**Re: Albury Radio Taxis Co Operative Society
ACCC Investigation**

We **attach** our letter of even date.

Yours faithfully
STEELE+CO

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Our ref: CS1045711
Your ref: AD:MH:178998
Contact officer: Samuel Voller
Contact phone: (02) 9230 9171

Level 20, 175 Pitt Street
Sydney NSW 2000
GPO Box 3648
Sydney NSW 2001
tel: (02) 9230 9133
www.accc.gov.au

22 November 2017

Mr Andrew Dunshea
Partner
Steele + Co
253 Horwick Street
BATHURST NSW 2795

By email: andrew@steeleandco.com.au

Dear Mr Dunshea

Re: Albury Taxis - Alleged anti-competitive conduct

We refer to your letter dated 17 November 2017.

Thank you for your outline of the steps that Albury Radio Taxis Co-operative Society Ltd (**Albury Taxis**) has and will take to address the Australian Competition and Consumer Commission's (ACCC) concerns about Albury Taxis' prior conduct.

We confirm that the steps that you have outlined, once they are fully implemented, will comply with the requirements set out in our letter dated 24 October 2017. These are namely:

1. the introduction of a new fee structure that does not discriminate between members and non-members, including by the application of any subsidy or rebate, by 1 February 2018;
2. the restoration by 27 November 2017 of full access to ordinary bookings for Mr Lansdown's wheelchair-accessible taxi;
3. your confirmation that Albury Taxis will not restrict drivers from taking bookings through other booking applications, or from driving for other passenger transport service providers; and
4. your confirmation that Albury Taxis has engaged a suitably qualified compliance professional to conduct competition law compliance training for Albury Taxis' members.

The ACCC does not propose to take any further action in this matter once it is satisfied that these steps have been implemented. We note that the ACCC's investigation was limited to the matters brought to our attention either by participants in the Albury taxi market or through correspondence with your client. This resolution should not be understood as a general confirmation of ART's practices.

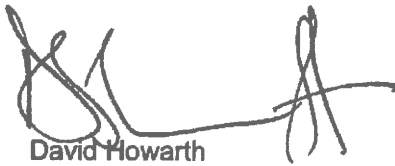
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To assist us in assessing Albury Taxis' compliance with these requirements, could you please send to us, as they become available:

- the minutes of Albury Taxis' board meeting scheduled to take place by 30 November 2017, together with a full outline of Albury Taxis' new fee structure and a confirmation that Mr Lansdown's WAT has full access to ordinary bookings restored; and
- the minutes of the Extraordinary General Meeting demonstrating that the new fees structure has been passed by members and the date on which it is to come into effect.

If you have any further queries or concerns about this matter please don't hesitate to contact Samuel Voller on (02) 9230 9171, or by email at samuel.voller@acc.gov.au.

Yours sincerely



David Howarth
Director
Enforcement NSW & ACT

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STEELBICO

Our Ref: AD:178998
Contact: Andrew Dunshea
Your Ref: Samuel Voller

17 November 2017

Mr S Voller
Australian Competition and Consumer Commission
GPO Box 3648
SYDNEY NSW 2001

Also by email: samuel.voller@accc.gov.au

Dear Sir

**Re: Albury Radio Taxis Co Operative Society ('ART')
ACCC Investigation**

We refer to previous correspondence.

We are instructed as follows:

1. The Board of ART has resolved to propose to members a new fee structure to bring about compliance with the *Competition and Consumer Act 2010*. Specifically, the new fee structure (whether a flat fee or a percentage of turnover fee) will be applied across members and non-members, without member subsidy or rebate. Our client has advised us the proposal once properly modelled should be ratified at board level by 30 November 2017.
2. The Board would then call an Extraordinary Meeting to consider the Resolution. It is anticipated this will occur by early January 2018, given the Christmas break and required Notice of Resolution. If upheld the new fee structure would be implemented 1 February 2018.
3. We again confirm that our client will not restrict the ability of drivers to use other applications, or restrict drivers from accepting bookings from other service providers.

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4. Our client has engaged Piggott & Stinson Lawyers for Competition and Consumer Law training. We have not been involved in seeking the appropriate trainer, please advise if the ACCC has any comments in this regard.
5. Our client will provide Mr Lansdown with full access to the network from 27 November 2017.

We trust this satisfies your outstanding requirements, please contact us should you have any queries.

Yours faithfully



STEELE & CO

Andrew Dunshea
andrew@steeleandco.com.au