



Our ref: CB10000460
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21/11/2018

Dear Sir/Madam

Collective Bargaining Notification CB10000460 lodged by The Pharmacy Guild of Australia – Victorian Branch (the Guild) —interested party consultation

Introduction

On 16 November 2018 the Australian Competition and Consumer Commission (**the ACCC**) received a collective bargaining notification from The Pharmacy Guild of Australia (**the Guild**) to enable it to collectively negotiate a better deal with electricity retailers for supply to Guild members in Victoria.

The Guild proposes to invite its members to provide their electricity usage data and to use this data to negotiate with electricity retailers. Guild members would then be offered the opportunity to enter into individual contracts, on otherwise standard commercial terms, for the supply of electricity with the electricity retailer who has offered the best/lowest rate to members.

The proposed arrangements are voluntary. The Guild has also proposed to collect a trailing commission calculated by reference to the value of members' individual contracts. The Guild has also indicated that it would disclose details of the trailing commission to its members.

A copy of the Guild's notification is available from the [ACCC's public register](#).

The purpose of this letter is to invite your comments as a party who may be interested in providing a submission to the ACCC in relation to these arrangements.

Collective bargaining notification process

Collective bargaining occurs where two or more competitors come together to negotiate terms and conditions (including price) with a supplier or customer. Without the legal protection provided by a collective bargaining notification, these arrangements can breach the *Competition and Consumer Act 2010* (the Act).

The legal protection provided by a collective bargaining notification commences 14 days after the notification is lodged, unless the ACCC objects within this period.

In this case, the Guild seeks immunity for the proposed collective bargaining conduct for ten years.

Request for submissions

When the ACCC receives a collective bargaining notification it will assess the likely public benefits and detriments, including any lessening of competition, to determine whether it should object to the notification.

You are invited to comment on the likely public benefits and likely effect on competition, or any other public detriment, from the Guild's proposed collective bargaining arrangements.

Submissions should be provided by **Monday, 3 December 2018**. Please email submissions to the General Manager, Adjudication at adjudication@accc.gov.au with the subject title "CB10000460 – the Pharmacy Guild – submission."

Submissions received by the ACCC will be placed on a public register, subject to any requests for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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 Luke Griffin on 02 6243 1114.

Yours sincerely



Susie Black
Director (A/g)
Adjudication Branch

Interested parties

1st Energy
AGL
Alinta Energy
amaysim
Arrow Energy Trading Pty Ltd
Blue NRG Pty Ltd
Click Energy
Commander Power and Gas
CovaU
Diamond Energy Pty Ltd
Dodo Power and Gas
EnergyAustralia
Engie Australia
ERM Business Energy
GloBird Energy
Hydro Tasmania/Momentum Energy
Origin Energy
Snowy Hydro Ltd/Lumo Energy/Red Energy
Energy4 Business
CQ Partners
Australian Energy Market Operator
Australian Energy Market Commission
Australian Energy Council (AEC)
Energy Users Association of Australia
Australian Industry Group
Energy Supply Association of Australia
Major Energy Users
Aus Gov Dept of Industry, Innovation and Science
Essential Services Commission Victoria