



Our ref: CB10000462  
Contact officer: Simon Bell  
Contact phone: 02 6243 1232

23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

tel: (02) 6243 1111  
fax: (02) 6243 1199

adjudication@acc.gov.au

www.accc.gov.au

17/12/2018

Dear Sir/Madam

## **Collective Bargaining Notification CB10000462 lodged by Pathways Advisers and the CFP Pathways Adviser Council—interested party consultation**

### **Introduction**

On 7 December 2018, the Australian Competition and Consumer Commission (the **ACCC**) received a collective bargaining notification from Pathways Advisers and the CFP Pathways Adviser Council (together, **the notifying parties**).

The notifying parties intend to collectively bargain the terms, conditions and other commercial matters with Commonwealth Financial Planning Limited (**CFPL**) for the sale of CFPL's client books to Pathways Advisers. Each participating Pathways Adviser is expected to enter into one or more agreements to give effect to the sale of the relevant client books, which will allow the Pathways Adviser's financial advisory practice to continue to service clients under a different ownership and licensing structure.

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 proposed collective bargaining arrangements. Please see the ACCC's publication [Small Business Collective Bargaining Notifications & the Competition and Consumer Act](#) for a summary of the notification process and how to make a submission.

A copy of the notification is available on the ACCC's website [Collective bargaining notifications register](#).

### **Collective bargaining notification process**

Collective bargaining occurs where two or more competitors come together to negotiate terms and conditions with a supplier or customer.

Without prior approval from the ACCC collective bargaining can breach the *Competition and Consumer Act 2010* (**the Act**).

Once 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.

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

The ACCC expects to finalise its assessment of this notification in January 2019.

## Request for submissions

You are invited to make a submission on the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed collective bargaining arrangements.

**Submissions on the notification should be provided by close of business on Monday 7 January 2019.** Please email submissions to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) with the subject "CB10000462 – Pathways Advisers – submission".

Alternatively, if you would like to provide comments orally, please contact Simon Bell on (02) 6243 1232 or via email to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the ACCC's review of the notification. Please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the notification.

This letter will be placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Simon Bell on (02) 6243 1232 or via email to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au).

Yours sincerely



Susie Black  
Director (A/g)  
Adjudication Branch