

# Appendix

## Selecting the Determinations for the Empirical Study

The determinations were selected from a pool in order to allow a general picture to emerge of how determinations are made from year to year. Each of the authorisation determinations was read and information from them coded systematically using the same method. A total of 244 authorisation determinations were used.

## Weights Attached to the Benefits and Detriments

Each public benefit and public detriment was weighed and the following table explains the weights used in analysing the determination.

**Table 1: Weights attached to public benefit and public detriment**

Weight	Public benefit	Public detriment
1	Not important. The commission has accepted such a benefit can be classified as a public benefit, however, the commission did not accept the applicant's assessment of the benefit in this case or that the benefit is likely to be of such a small magnitude that it will be given minimal weight in the determination or because it was unlikely to result in this case. Either this is explicitly stated by the commission or the author has decided that, given the context, it should be considered not important.	Not important. Although this public detriment was acknowledged, the commission did not regard it as important. Either this was explicitly stated by the commission or the reader decided that, given the context, it is not an important public detriment.
2	Minor importance. The commission acknowledged that this public benefit may result from the conduct claimed. The commission, however, only regards it of minor importance. Either this is explicitly stated by the commission, or the reader has decided that, given the context, it has only warranted minor importance status.	Minor importance. The commission acknowledged that such a public detriment may result from the proposed conduct, but only regards it to be of minor importance. Either this is stated by the commission, or the reader has decided that given the context it has really only warranted minor importance status.

Weight	Public benefit	Public detriment
3	Important. The commission accepted that this claimed public benefit is important in making its determination and this is usually expressly stated in the authorisation determination.	Important. The commission accepted that this is an important public detriment and it is usually expressly stated in the authorisation determination.
4	Very important. This public benefit is critical in the determination. It is generally expressly recognised as such by the commission in the determination.	Very important. This detriment is of critical importance in the determination. It is generally expressly recognised as such by the commission in the determination.

## Other Factors that were Collated

A number of factors that impacted on the commission's decision-making were collated. There were seven such factors as follows:

1. The section that the conduct or proposed conduct was likely to breach — the conduct could potentially breach the price-fixing provisions (s 45A), substantial lessening of competition provisions (s 45), exclusionary conduct provisions (s 45) and exclusive dealing provisions (s 47).
2. The type of industry that the applicant belongs to.
3. Whether conditions were imposed by the ACCC in granting authorisation.
4. The type of conditions imposed — for example, conditions could be imposed requiring that codes of conduct include an appeals process, or to safeguard against the misuse of market power, or to encourage the participation of external bodies in decision-making.
5. Whether any evidence of pass-through of public benefit was discussed in the application, submissions or determination — pass-through refers to evidence of whether the benefits flow on to the consumer.
6. Whether there was discussion of particular tests or standards to determine public benefit — there are four such tests/standards that have been used to quantify public benefits: total welfare standard, consumer welfare standard, price standard, and the balancing weights standard.
7. Whether there was reliance on the quantification methods to substantiate public benefits.

Because different types of information about each of these factors were collated, a different code to the one used above was used. The details of the factors and the manner in which the factors were coded are contained in the following table.

**Table 2: Participation in the authorisation process**

Identity of the participants	Other information
Individuals	Reference to government policies
Industry group	Reference to ACCC documents/decisions
Non-industry group	Reference to other reports or strategies
State government	
Federal government	
Independent agency	

**Table 3: Weights used to assess the importance attached to the participation**

Weight	Public benefit
1	There is minor influence exerted. Either this is explicitly stated by the commission or the reader has decided this on the basis of the context after examining the determination, draft determination, submissions and other available information.
2	There is major influence exerted. Important. Either this is explicitly stated by the commission or the reader has decided this on the basis of the context after examining the determination, draft determination, submissions and other available information.
3	Very important. This public benefit is critical in the determination. It is generally expressly recognised as such by the commission in the determination.
0	Cannot gauge influence from examining the determination, draft determination, submissions and other available information; or No participation; or No influence.

Other relevant qualitative factors were also collated as described in Table 4.

**Table 4: Other related qualitative factors**

Qualitative factor	Example of data collected
Was this a single determination or did it involve multiple determinations?	<i>Qantas Airways Ltd</i> involved four determinations made on 9 September 2003 (A90862, A90963, A30220, A30221).
Was notification also sought?	In <i>Australian Wool Exchange Limited</i> (A30185) decided on 30 December 1998, both authorisation and notification was sought.
Number of industry groups that made submissions.	In <i>Australian Brick and Blocklaying Training Foundation</i> (A90993) authorisation determination made on 26 April 2006, four industry bodies made submissions to the ACCC.
Other factors considered?	Importance of globalisation.