



Australian  
Competition &  
Consumer  
Commission

Our Ref: C2006/1267  
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Dear «Salutation»

### **Revocation of Authorisation A2239 lodged by the Queensland Retail Traders and Shopkeepers Association**

The Australian Competition and Consumer Commission (ACCC) has received a request from the Queensland Retail Traders and Shopkeepers Association (QRTSA) for the revocation of authorisation A2239. The authorisation was granted to the QRTSA by the Trade Practices Commission (TPC) on 6 November 1978. The TPC is now the ACCC.

As part of the statutory revocation process the ACCC is required to consult with parties who may have an interest in the authorised conduct. I am writing to you as we consider that you may be a party with an interest in the authorisation for which revocation has been sought.

#### *Background to the QRTSA Authorisation*

On 6 November 1978, the TPC granted QRTSA authorisation in relation to its pricing guide. The price guide appeared in the Association's publication, the 'Retailer of Queensland' (now the 'Australian Retailer'), issued to QRTSA members. The prices that appeared in the guide were recommended prices.

The purpose of the guide was to assist members of the QRTSA, particularly smaller stores with limited resources, in setting day-to-day market prices. For other larger QRTSA members, the guide was to be used as an occasional check when invoices were not available. The QRTSA originally sought authorisation because it was concerned that publication of the price guide may raise competition concerns under the *Trade Practices Act 1974* (the Act).

#### *The Authorisation Process*

A key objective of the Act is to prevent anti-competitive conduct, thereby encouraging competition, efficiency, and a greater choice for consumers. However, the Act allows the ACCC to grant immunity for anti-competitive conduct in certain circumstances. Broadly, the ACCC may 'authorise' businesses to engage in anti-competitive arrangements or conduct where it is satisfied that the public benefit from the arrangements or conduct outweighs any public detriment.



Section 91B of the Act provides that a person to whom authorisation was granted may apply to the ACCC for revocation of the authorisation. On receipt of such an application, the ACCC is required to write to interested parties advising them of the application for revocation and its basis, and inviting submissions from interested parties. After considering any submissions received in relation to the application for revocation, the ACCC is required to issue a written determination either revoking or allowing the immunity conferred by the authorisation to continue.

*QRTSA application for Revocation*

On 3 July 2006, the QRTSA advised the ACCC that it wished to revoke authorisation A2239. In seeking revocation, QRTSA has advised that the immunity conferred by the authorisation is no longer required, as the QRTSA no longer provides a price guide to its members.

The purpose of this letter is to invite your submission as a potentially interested party. To assist you I have enclosed a copy of the authorisation for which revocation is sought.

The ACCC asks for submissions to be in writing so that they can be made publicly available. Submissions are placed on a public register and on the ACCC's website. Should you lodge a submission with the ACCC you may request that information included in the submission be excluded from the public register and website. The ACCC may take such information into account during its assessment of an authorisation application. Guidelines for seeking exclusion from the public register are attached for your information.

If you wish to object to the QRTSA's request for revocation, please do so by **25 July 2006**. Please address your submission to:

The General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
P O Box 1199  
DICKSON ACT 2602

Submissions can also be lodged by e-mail to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) or by fax on (02) 6243 1211.

A copy of this letter will be placed on the ACCC's public register.

If you have any questions please do not hesitate to contact Peter Sherry on 02 6243 1088.

Yours sincerely

Scott Gregson  
General Manager  
Adjudication Branch

**ORTSA Revocation – Interested Part List**

- The Magazine Publishing Company (TMPC)
- Energex Limited
- Metcash Limited
- OAMPS Limited
- Enabling Queensland Group
- Office of the Produce and Grocery Industry Ombudsman (PGIO)
- Australian Enterprise Superannuation
- Australian Retailers Association
- Commonwealth Bank of Australia
- QLD Department of Tourism, Fair Trading and Wine Industry Development
- Coles Myer Ltd
- National Association of Retail Grocers of Australia (NARGA)
- Advantage Retail
- Queensland Consumers Association
- Queensland Small Business Advisory Council
- Australian Consumers Association
- Foodworks
- Woolworths Limited
- Council of Small Business Organisations of Australia (COSBOA)
- Franchise Council of Australia
- Office of Small Business – Department of Industry, Tourism and Resources