



# Arch Bevis MP

Federal Member for Brisbane

Chairperson Joint Committee on Intelligence and Security  
Chairperson Joint Defence Sub-Committee



25 March, 2010

Mr David Hatfield,  
Australian Competition & Consumer Commission  
[David.hatfield@accc.gov.au](mailto:David.hatfield@accc.gov.au)

Dear Mr Hatfield,

**I refer to the qualified immunity provided to Football Queensland by the ACCC in July 2008 and request a review of that decision. It is my strong view that the immunity should be removed.**

In 2008 I became aware that Football Queensland (FQ), which administers football (soccer) in Queensland, required all players to wear one of their licensed brands of playing clothes. In 2010, that requirement applies to all players, and covers shirts, shorts, socks, team tracksuits, training shirts and footballs.

I believe this to be an unreasonable restriction on trade and competition and also contrary to the safety and best interests of players, especially goal keepers whose clothing is a safety item.

I should make clear that as a parent of a player adversely affected by this requirement I have a personal interest in it. However, since it first came to my attention, I have become aware of more widespread objection to this policy from players, parents, some club officials and both retail and trade businesses that stock football clothing. This is a matter with wider community interest.

Since 2008 some changes have occurred. None of the changes address the fundamental problem created by this policy of FQ. Indeed in key respects, the situation is worse.

In March 2008 I forwarded an email to the CEO of FQ setting out my concerns (attachment 1). A reply from one of his staff over his signature (attachment 2) reaffirmed that all players must wear only licensed clothes and that he would not phone me to discuss it as I had requested.

Perhaps coincidentally, soon after I first made formal contact with Football Queensland, they lodged an application on 28th April 2008 with the Australian Competition and Consumer Commission seeking approval to maintain their restriction on football player clothing. In a

letter over the signature of Dr Richard Chadwick, General Manager Adjudication Branch dated 4th July, 2008; legal immunity was conferred with effect from 12 May, 2008. (Attachment 3)

Football Queensland continues to rely on this approval to maintain their restriction on player clothing.

I am unaware if any submissions were received on this application before the determination was made. Nor am I aware if the ACCC initiated any investigations with those affected by the application such as players, retail outlets and trade suppliers, or made inquiries of the practice followed in other states by their football authorities. I do note that a random sample of some clubs was undertaken. I am aware that some clubs (principally the larger ones) have direct sponsorship arrangements with one or other of the licensed suppliers from the FQ approved list. No doubt those clubs would be more than happy with the restrictions.

In any event, I believe there are compelling reasons for this immunity to be removed. This is particularly the case for goal keepers who, as I have said, rely on their clothing for protection. In addition, because it is a unique and specialised role, there are specialist brands that supply predominately or only goal keeper clothing and equipment. I will return to this point later.

### **Interstate Football Comparison**

**In 2008 when the special exemption was granted, other state football administrations did not seek to restrict the brand of players' clothing. That remains the case.**

In South Australia the state football Association has no restrictions on what brand of clothing a goal keeper has, nor I understand does it restrict clothing for other players.

In Western Australia no restrictions on brand apply.

In NSW no restrictions on brand apply. NSW operates its own sports equipment outlet which it describes as follows;

*The Soccer Wearhouse(sic) has access to a vast array of quality brands of apparel and equipment. If you are considering upgrading your dated uniforms for modern light weight materials, contact the Soccer Wearhouse(sic) for a proposal. Being owned and operated by Football NSW, all proceeds return to the development of the sport in the state and margins are significantly lower than privately owned operators<sup>1</sup>*

Notwithstanding the fact that they operate their own outlet, NSW does not require clubs or players to wear a particular brand of clothing.

I understand that no restrictions on brand apply in the ACT.

In Tasmania, the competition rules provide that players shall wear on their uniforms such Company sponsor's badge as shall from time to time be directed by the Football Federation of Tasmania. Whilst that power exists, I am not aware of any current restriction similar to FQ.

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<sup>1</sup> <http://shop.footballnsw.com.au/epages/football.sf>

Only Victoria has a restrictive policy similar to Queensland. Interestingly, they had a list of different approved brands.

### **Restricted List of Equipment**

Whilst the FQ approved list seems on the face of it to be broad, in fact the actual range of licensed products available is quite restricted.

For example, in 2008 and 2009 FQ asserted that Adidas clothing was approved. Clearly Adidas is a well known and popular brand with an extensive range. In fact the approved supplier was LWR Sports International. They had an extremely limited range of football clothing. It did not include many Adidas football garments that were available from general sports retailers. In the case of goal keepers, they supplied only one type of jersey from the bottom of the range.

This year Adidas is not on the approved supplier list at all. LWR Sports International is no longer in business. Its website advises that its stock is being auctioned.<sup>2</sup> As a result, players are banned from wearing the limited range of previously approved Adidas clothing in 2010, even though it was permitted in 2009.

**In 2008 there were thirteen licensed suppliers. In 2010, only nine suppliers are approved.** They are Attack Sports which market their own brand, Covo, which market their own brand, Gorilla, which market their own brand, Kombat, which market their own brand, Veto, which market their own brand, Statewide Sports which market Uhlsport brand, better known brands Mitre and Nike and also SSI which market a few brands, only some of which are approved by FQ.

It is clear from a cursory review of the FQ approved brands that players are forbidden from wearing a range of alternative brands.

The approved suppliers change from year to year. This places clubs and players in the position of having kit which is accepted one year but not the next. There has been no indication from FQ that clothes licensed a few years ago but not since are permitted. Indeed the clear impression gained from reading their policy on their web site makes clear that in 2010, the nine suppliers listed for this year are the only ones approved.

### **Special Circumstances of Goal Keepers**

Clothing worn by goal keepers in football is a safety item. The fit of a jersey, or shorts, whether it has padding, where that padding is located, the quality of padding and the strength of the material all contribute to goalkeepers avoiding injury.

For other players if the clothes fit, the rest is pretty much fashion, provided they are suitable for the climate.

Goalkeepers dive and throw their body around in ways unlike any other players in football. They are often involved in physical contact not experienced by field players.

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<sup>2</sup> <http://www.lwrsportsinternational.com/>

All players wear shin pads because all players are likely to have a clash of feet or legs. Only keepers need upper body, arm, hip, tailbone, thigh and knee protection. Indeed, one of the highest profile keepers in the English Premier League wears headgear, much like a rugby union player.

**That keepers need additional protection for their body is beyond argument. For club players who are seldom playing on first class fields, that is even more essential.**

Not all keepers wish to wear all of this protection, or to wear it all in a particular game. However, the restrictions imposed by FQ deny all keepers the right to choose the protection that best suits their body type, playing conditions and style of play. In addition, it prevents them from wearing a number of specialty keeper brands that are widely regarded as superior to other general sports clothes suppliers. They are certainly superior to the basic keeper clothes typically provided by most approved brands which seem to be made for a price point rather than design or safety features.

Unlike field players, it is common for keepers to purchase their own playing clothes. Whilst clubs will have a keeper jersey in the team kit, the supplied jersey is nearly always years old (in my experience they can be very old), with poor padding that has usually been worn to the point where it no longer provides any protection.

It is rare for clubs to provide keeper shorts. Where they do, they are poor quality, bottom of the range, selected for price not performance or safety. As a contributor, CFC\_85 on an internet web page in attachment 4 says;

*'As for the jersey the club supplied, lets just say that sits at the bottom of our kit bag.'*

I note that the ACCC letter defines the licensing program as FQ requiring *'football clubs participating in FQ competitions to use only Teamwear from licensed suppliers during FQ competition.'* Whilst that is generally correct, it is not the case for goal keepers. For keepers, the restriction applies directly to the player, in addition to the club. In fact keepers confront a double financial penalty. They pay the same club fees as field players and then typically pay to buy their own playing clothes. Because of FQ policies, they are then denied access to the playing clothes of their choice.

Whatever policies may have been in place officially, for the last twenty years keepers playing junior fooyball have been able to wear their own playing clothes without problem until the last few years. It is only in the last few years that officials have demanded keepers wear only licensed clothes. This restriction on keepers, of itself, has done nothing to generate revenue or benefit the community. It has however, led to personal injury, anger and frustration.

There is another important observation about the above definition adopted in the ACCC letter. FQ assert;

*'Licensed products include: Playing shirts, Playing shorts, Team tracksuits, Training shirts, All representative team clothing, Playing socks and footballs'.<sup>3</sup>*

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<sup>3</sup> <http://www.footballqueensland.com.au/index.php?display=cat&id=49>

ACCC reference to '*during FQ competition*' is apparently defined by FQ as applying to team tracksuits and training shirts. That is inappropriate and I submit in breach of the terms of the immunity.

**Whatever the argument for restricting team wear generally, they do not apply to the special clothes worn by keepers.**

### **Specialty Goal Keeper Brands**

General field players' clothes are manufactured by a wide range of major well known sporting firms that can be found in many sports stores. In addition a number of FQ licensed brands focus on team or club orders. The firms involved may have little or no manufacturing role. They are in effect, importers with a marketing role. A number of FQ licensed suppliers appear to operate in this way.

In addition to these suppliers, there are a number of specialist keeper brands which produce a wide range of clothes and equipment specifically to meet the unique requirements of keepers. These are widely used around the world by keepers of all ages and varying standards.

One of the specialty goal keeper brands is SELLS. However, it is not approved by FQ. Interestingly, the SELLS distributor in Queensland, SSI is approved by FQ. However, because SELLS only make clothes and equipment for keepers, I believe SSI has taken the very understandable financial decision not to pay the extra funds to have the SELLS brand approved. There are simply not enough goal keepers to justify making the payment required by FQ.

Other keeper specialty brands include Selsport and Reusch. Goalkeepers in Queensland are forbidden from wearing any clothes from these specialty suppliers in games.

**Commercial reality will continue to prevent specialty keeper suppliers from gaining FQ approval, because the costs simply out way the potential benefit.**

The immunity provided by the ACCC prevents goal keepers from wearing the safest and best available clothes.

The current immunity approved by the ACCC gives no recognition to the special circumstances of goal keeper clothing. It financially disadvantages those companies involved in supplying these specialty keeper clothes.

### **Appropriate Limits on Brand Licensing Restrictions**

I believe an error was made in 2008 when immunity was provided to FQ by the ACCC. Since that time, the range of suppliers has become even more restrictive.

FQ has also begun in 2010 to aggressively pursue similar policies such as banning players who wear undergarments such as SKINS, unless the colour matches the approved brand clothing for that team. In fact, a number of clubs have team colours that are simply not available in undergarments, eg purple. Players wearing these undergarments receive a yellow card, (potentially resulting in them being barred from a future game) and must leave the field. They are not allowed to re-enter the field until they have removed the undergarment.

Some common sense needs to be applied in deciding reasonable limits to the wearing of licensed clothes. It is difficult to see how showing a few centimetres of a white or skin coloured undergarment offends the position of the licensed clothing brand.

Moreover, if the immunity given in 2008 is left to stand, what are its limits? FQ assert that they can restrict team training clothes. Not content with restricting clothes players wear in games, they try to restrict what players wear in training and off field in tracksuits. Where does it stop?

If they decide to license particular brands of football boots and not others, would that be acceptable? The same question applies to shin pads or keeper gloves. I assume FQ choose not to do that because they recognise that player selection of these items is a personal matter that affects performance and/or safety. Goal keeper clothing is also a personal matter that affects performance and safety.

As mentioned earlier, **the FQ limitations on clothing is even more restrictive than the brand name.** For example, Adidas clothing approved in 2009 (but not 2010) applied to a very small selection of Adidas clothing from one supplier, not the Adidas range available from many sports stores.

## Revenue

The restriction on player clothing is in place for one reason, to generate revenue for FQ. The restriction of trade employed in generating this income is clearly anti-competitive. The beneficiaries of this arrangement are theoretically the players, for whom the administrators are meant to run the game.

Who actually pays for the licensed clothing? In the end, the players meet this cost either directly when buying their playing clothes or via club fees. In the case of many goal keepers they pay twice; once in club fees and then again when they buy better quality and safer clothes than the usual club supplied clothes. To comply with FQ's requirements, they are further penalised by being required to use inferior products compared to others on the market.

Those companies and stores which market non licensed clothing clearly suffer a loss in trade. Even companies that supply some licensed products suffer because they are unable to market their specialist keeper clothes for match play e.g. SSI. The fact that they sell unlicensed products at all is further evidence that many players will choose the better product. Some will use this clothing for training only; others will accept the risk of encountering an official who will take action against them.

Given that one of the previously approved suppliers, LWR Sports International has closed its doors, it seems arguable whether the restrictive practices adopted by FQ provide the benefit to licensed clothing companies that they expect.

At the moment, every player pays a registration fee, a portion of which goes to FQ. If Queensland Football authorities genuinely require more money, it would be simpler for to add a small additional charge to the existing fees rather than restrict trade and competition. That would also avoid the other problems referred to in this letter.

Player registration costs are commonly between \$300 and \$550. A small increase would be more equitable for players, clubs and affected clothing suppliers.

Such an arrangement would also enable genuine competition to exist in the supply of player clothes, benefiting the football and wider community.

Football in Australia receives financial support from the Commonwealth and State Governments. Local clubs benefit from grants from all three levels of government. There is therefore a reasonable community expectation that in its other revenue raising activities it adopts the highest standards.

### **Football Community Views**

The FQ policy has been the subject of debate amongst the wider football community. Some of this occurred in an online football forum in 2009<sup>4</sup>. A copy of the exchanges is attachment 4. Typically contributors to this forum are players, parents, coaches or club officials.

The views expressed in this exchange reflect some of the matters referred to in this letter.

Virtually every contributor expressed concern about the FQ policy. They also confirmed the inferior nature of licensed keeper clothing and frustration at being unable to wear the better quality, safer specialist keeper clothing. As the final comment noted;

*'True G2, the LWR stuff is very limited and the material is not like the stuff you buy at Rebel etc. but they do make the teamwear range so you can pick the colours you want but the designs are all pretty standard. The keeper gear is nowhere near as good as the adidas gear you can get elsewhere. soccer.com has awesome gear but unfortunately you cant wear it because of the logo situation'*

I have no idea who the author, Cables 62 is. With over 250 posts at that time though, this person is obviously very interested in and involved in football.

### **Statutory Requirements**

In considering whether to grant immunity, the ACCC needs to be satisfied that the likely public detriment will not outweigh the likely public benefit from the conduct. Given the matters referred to in this letter it is difficult to see how such a conclusion could be made.

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<sup>4</sup> <http://trsc-online.xphpbb.com/viewtopic.php?t=435&postdays=0&postorder=asc&start=0>

A guide to determining public benefit involves consideration of the following;

1. *economic development, such as encouragement of research and capital investment*
2. *fostering business efficiency, particularly where it results in improved international competitiveness*
3. *industrial rationalisation, resulting in more efficient allocation of resources and in lower or contained unit production costs*
4. *expansion of employment or prevent of unemployment in efficient industries*
5. *employment growth in particular regions*
6. *industrial harmony*
7. *assistance to efficient small business, such as guidance on costing and pricing or marketing initiatives which promote competitiveness*
8. *improvement in the quality and safety of goods and services and expansion of consumer choice*
9. *supply of better information to consumers and businesses to permit informed choices in their dealings*
10. *promotion of equitable dealings in the market*
11. *promotion of industry cost savings, resulting in contained or lower prices at all levels in the supply chain*
12. *development of import replacements*
13. *growth in export markets, and*
14. *steps to protect the environment.*

Not one of these accepted guides is met by the immunity granted to FQ. Indeed, FQ's restriction on trade and competition directly contravenes a number of these considerations.

There is no research or capital investment created as a result of the immunity.

There is no benefit to exports, import replacement, local employment, or improvement in international competitiveness.

Rather than provide improvement in the quality and safety of goods and services and an expansion of consumer choice, for goal keepers if not all players, it forces consumers to buy inferior, less safe clothing with reduced choice.

The uncompetitive nature of the arrangement undermines any drive for efficiency or cost saving. Licensed providers are in a privileged, protected environment with little incentive to engage in cost savings. I understand that retailers are simply charged an additional cost for the FQ logo on top of the price of the garment which is then simply passed on to the consumer.

Rather than promoting equitable dealings in the market, it directly imposes restrictions that disadvantage a number of sports clothes suppliers and players.

The ACCC has published a Guide to Exclusive Dealing Notifications.<sup>5</sup> According to the Guide:

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<sup>5</sup>. *Guide to Exclusive Dealing Notifications*, viewed on 16 March 2010, <http://www.accc.gov.au/content/item.phtml?itemId=776051&nodeId=2a380a216d0d6026cf2ef53979712ee0&fn=Guide%20to%20exclusive%20dealing%20notifications.pdf>



*The ACCC has accepted the following public benefits in assessing third line forcing notifications:*

- *fostering business efficiency,*
- *improving product quality, and*
- *promoting competition in relevant markets*

As mentioned above, the FQ immunity requires goal keepers to wear clothes that are inferior in quality and less safe rather than improving product quality. This fact can not realistically be disputed.

Similarly, it reduces rather than promotes consumer choice and competition. In 2010 that reduced competition is even more restrictive than it was when the immunity was granted in 2008. That said, even in 2008, consumer choice between brands was severely restricted. In addition, consumer choice within brands was severely restricted.

With a protected selective list of suppliers and a captive market, licensed suppliers have no incentive to seek business efficiency, nor is there any evidence that the immunity has produced it. Their only incentive is to seek recovery of their licensing costs by adding a charge on garments which they know must be bought by a captive market.

The ACCC Guide also notes that;

*Suppliers sometimes force the purchase of product B from a list of nominated suppliers. Although customers have no choice in buying product B they do have some scope to choose the supplier on the basis of price and/or quality. The nominated suppliers also have the opportunity to compete for those customers' business.*

In FQ's case, the quality of goal keeper products from nominated suppliers is inferior. The retail price of products from nominated suppliers i.e. the price players are required to pay, is seldom cheaper than comparable or better quality alternatives available to the consumer.

Whilst it is difficult to identify a single criterion of public benefit that the FQ immunity meets, there are a number of public detriments, notably to a number of sports clothes suppliers, to the specialist goal keeper clothing suppliers and to players.

## Conclusion

The weight of evidence is strongly in favour of the view that any perceived benefit to the public is seriously outweighed by the detriment caused by this immunity. Indeed, it is difficult to identify any perceived benefits at all let alone benefits that can be verified or substantiated.

The sole claimed benefit of this restriction on player clothing is that money is injected into the sport by the payment of license fees. Why is it that only Victoria and Queensland believe it is necessary to raise funds through limiting the brands and suppliers of team and goal keeper clothing? Other states operate successfully without resorting to that restriction of trade, competition and consumer choice.

It is difficult to conclude that FQ cannot operate effectively and efficiently without applying this restriction on trade and player choice. Other states do.

Indeed if they can't, even with the financial assistance from government and other sponsors, than the question has to be asked, 'What is next?' If a major football boot manufacturer offers enough money, will players be required to wear only that brand of boot? It would have as much validity as requiring goal keepers to wear inferior clothes that reduce their performance and increase the likelihood of injury.

Both the public and player interests suffer when players are forced to wear inferior less safe clothing. If this were a workplace rather than a sports field, the employer demanding someone wear less safe clothing would face immediate and stern action from occupational health and safety officials.

Under the FQ policy, goal keepers are denied clothing with protection for the tail bone. No licensed short provides such protection. They are denied access to shirts with quality padding from above the elbow extending down the forearm; or shirts with a double layer construction for better protection and body temperature control.

The claimed revenue advantages of this policy are questionable. In any event, the payment is ultimately made by the players, who it is argued are supposed to benefit.

It is clear that companies which stock non licensed products are seriously disadvantaged, without any clear benefit to the game or the community.

Beyond economic considerations, the safety of players, particularly goal keepers must have a higher priority. Their safety cannot be sacrificed or compromised. FQ has a duty of care to provide a safe environment for players. It cannot abandon that responsibility. It cannot subordinate that responsibility to a sponsorship cheque or a fist full of dollars. It cannot knowingly forbid players from wearing protective clothing which is freely available and used by players in other states.

**I request that the qualified immunity provided to Football Queensland by the ACCC in 2008 be removed.**

**In the short term I also seek clarification whether the existing immunity applies to team tracksuits and training shirts.**

**Given the safety issues involved, I request that the immunity enabling goal keeper clothing to be restricted to only licensed suppliers be removed urgently. This would have no impact on the economic position of FQ. It would reduce the risk of injury to players.**

**Whilst I do not believe it is reasonable to conclude that general team wear should be restricted, even if that were the case, the unique issues of specific keeper brands and safety considerations warrant immediate action.**

I would be very happy to meet or discuss this with you or your staff.

I look forward to your response.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Arch Bevis', is written in a cursive style.

The Hon Arch Bevis MP

Attachment 1

**:** Bevis, Arch (MP) [Arch.Bevis.MP@aph.gov.au]  
**Sent:** Tuesday, 11 March 2008 11:28 AM  
**To:** geoff.foster@footballqueensland.com.au  
**Subject:** Goalkeeper Jersey and licensing requirements

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:**

Dear Geoff,

Yesterday I spoke to Michele (I don't have a last name) at Football Queensland concerning the requirement for goalkeepers to wear only clothes supplied by companies licensed to do so by Football Queensland.

At the end of our conversation I requested the opportunity to speak to someone about the policy. She informed me that you were the appropriate person and that she would ask you to phone me. I gave her my mobile number.

I thought it would be helpful if I set out my concerns in an email.

I fully understand the reasons for the operation of licensed team wear. For most players, it makes no difference to them who makes or markets their kit.

[For goalkeepers however, clothes are not simply an issue of colour and style. They are a safety item. They are protective clothing.](#)

....

[It is completely unreasonable to expect ... to wear inferior protective clothing for any reason – but certainly for the sole reason that the item is not from a licensed company.](#)

I note that keeper gloves are not licensed, although they could be. It would be a foolish thing to do, but technically it could be done. They are not licensed presumably because Football Queensland understands that personal preference is important, that the choice of gloves affects performance, and because they are protective clothing. The same applies to the rest of a goalkeeper's kit.

On the same matter, I note that shoes are not licensed. They too rely on personal preference and affect performance.

If exemptions can quite sensibly be made for these items, why can't other goalkeeper protective clothing be treated similarly?

The simple truth is that none of the licensed team wear companies have a product that is better than or even comparable to the Sells .... jersey. ....

Does Football Queensland actually intend to demand that ... play in inferior less safe clothing?

....

I would also urge Football to review their requirement for goalkeepers to be caught by the team wear licensing arrangements.

For all other players, their shirt and shorts is matter of fashion. If it fits does it look good? That is about the extent of their concerns.

That is undeniably not the case for goalkeepers. Their jersey and shorts are protective clothing.

Given the start of the season is nearly upon us, I would appreciate your consideration of this at the earliest opportunity.

I can be contacted .... on .....

Thank you for your consideration.

Regards

Arch Bevis

Attachment 2

**From:** M.....@footballqueensland.com.au]  
**Sent:** Tuesday, 11 March 2008 9:32 AM  
**To:** abevis...  
**Subject:** FW: .....

Dear Mr. Bevis,

I thank you for taking the time to share your thoughts with us.....

I will not be phoning as you have clearly articulated your thoughts, but do wish ..... the very best for his coming season of football.

Additionally in relation to your enquiry on Goal Keeping Jerseys, I can only reiterate what has been advised to you by my staff. The Jerseys must comply with the licenced program which has been in place for quite a number of years covering all our clubs. This year we have 13 suppliers and I am sure the club could assist in asking these suppliers to provide samples.

Kind regards,

**Geoff Foster**  
**Chief Executive Officer**

**Ph: 3420 5866**  
**Email: [geoff.foster@footballqueensland.com.au](mailto:geoff.foster@footballqueensland.com.au)**  
**Website: [www.footballqueensland.com.au](http://www.footballqueensland.com.au)**

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Attachment 3



Australian  
Competition &  
Consumer  
Commission

Our Ref: N93402  
Contact Officer: David Hatfield  
Contact Number: 02 62411166

GPO Box 9121  
Canberra ACT 2601  
20 Mowbray Place  
Canberra ACT 2601  
Tel: 02 6241 1111  
Fax: 02 6241 1120  
[www.accc.gov.au](http://www.accc.gov.au)

4 July 2008

Mr Noel Woodall  
Noel Woodall & Associates  
Solicitors  
PO Box 17  
Peregian Beach QLD 4575

Dear Mr Woodall

**Third line forcing notification N93402 lodged by Football Queensland**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 28 April 2008. The notification has been placed on the ACCC's public register.

The conduct the subject of the notification involves a licensing program under which Football Queensland (FQ) requires football clubs participating in FQ competitions to use only Teamwear from licensed suppliers during FQ competitions. Teamwear includes tracksuits, playing shirts, playing shorts, playing socks and balls.

Legal immunity conferred by the notification commenced on 12 May 2008.

On the basis of the information that you have provided, and following consultation with a randomly selected group of football clubs in Queensland, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

A copy of 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 David Hatfield on (02) 1234 5678.

Yours sincerely

Dr Richard Chadwick  
General Manager  
Adjudication Branch

Attachment 4

# TRSCONLINE FORUM 2009

Welcome to TRSCONLINE 2009. Please feel free to discuss all matters relating to football here. The views of any posts do not reflect those of the administrators of this board.

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## [Having to wear particular brands of clothing for goalkeepers](#)

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Author	Message
<b>teymad</b>	Posted: Mon Mar 23, 2009 10:59 pm Post subject: Having to wear particular brands of clothing for goalkeepers
Joined: 12 Feb 2009 Posts: 10	Can someone please enlighten me as to why children (12years and up) who play goalkeeper have to wear particular brands of clothing (excluding EPL and the likes)??????
<a href="#">Back to top</a>	
<b>soccerkidsum</b>	Posted: Tue Mar 24, 2009 1:30 am Post subject:
Joined: 23 Mar 2009 Posts: 3	My son is a goalkeeper ( for both club and rebel) and he does not have to wear a particular brand. ( well not that I know of anyway).  I have never heard of such a thing. Is it a club ruling?
<a href="#">Back to top</a>	



<b>NATO</b>	Posted: Tue Mar 24, 2009 6:26 am Post subject:
Joined: 14 Feb 2009 Posts: 5 Location: brisbane	<hr/> FB, QL etc are sponsored by a certain number of brands or rather they pay for the rights to make their brands available to the players. Every few years they bid to have their products one of the 'authorized' brands. This has been the case for as long as I can remember. at least 20 years. Goalkeepers have a tendency to bring their own shirts which has caused a few problems over the years but they too are part of the overall 'dress code'. I suppose its a case of why should you wear brand ZZ if it does not contribute to the code as brand XX does by financially helping local football. Thats the argument anyway.Hope this helps.
<a href="#">Back to top</a>	
<b>maca</b>	Posted: Tue Mar 24, 2009 9:59 am Post subject:
Joined: 15 Feb 2009 Posts: 8	As far as I know the only permitted brands for keepers are Adidas, Nike, uhlsport and attack.... Seems silly that football brisbane/qld wouldn't allow sells?? <hr/>
<a href="#">Back to top</a>	
<b>auburn</b>	Posted: Tue Mar 24, 2009 11:04 am Post subject: Re: Having to wear particular brands of clothing for goalkee
Joined: 24 Mar 2009 Posts: 8	<div style="border: 1px solid #ccc; padding: 5px; margin-top: 10px;"> <p><b>teymad wrote:</b></p> <p>Can someone please enlighten me as to why children (12years and up) who play goalkeeper have to wear particular brands of clothing (excluding EPL and the likes)??????</p> </div>

	seams like a pretty bad idea to me.
<a href="#">Back to top</a>	
<hr/>	
<b>Sneaky</b>	Posted: Tue Mar 24, 2009 11:15 am Post subject:
Joined: 13 Feb 2009 Posts: 93 Location: Brisbane or Akureyri	Mitre, Covo, Attack, Hummel, adidas, Nike, SSI, Buffalo and Gorilla, Kombat, uhlsport
	"I am a firm believer that if you score one goal the other team have to score two to win." - Howard Wilkinson
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<b>auburn</b>	Posted: Tue Mar 24, 2009 11:19 am Post subject:
Joined: 24 Mar 2009 Posts: 8	why is sells not included?
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<hr/>	
<b>gobblededock</b>	Posted: Wed Mar 25, 2009 1:12 pm Post subject:
Joined: 25 Mar 2009 Posts: 1 Location: Australia	Nato is correct, it's all about big bucks and sponsorship. All age groups are supposed to comply though, and not just competition teams. The approved brands include uhlsport, hummel, nike, Kombat, gorrilla/buffallo, mitre, covo, attack and ssi from memory. Football Qld can provide a list to you of licenced brands you can use. Rerferrees are supposed to tell you to change into an approved shirt if you are wearing one that is not correct. You can actually get fined as well for not complying and the fines are not small, but realistically this doesn't happen very often. You can also be suspended for repeated offences. It's all very confusing isn't it!?
	I will add that Kombat do really nice goalie sets at a very competative price

	<p>with your own colours on their many varied designs. Talk to Travis at Kombat or try their website out at <a href="http://www.kombat.com.au/">http://www.kombat.com.au/</a></p> <hr/> <p>Those who say it cannot be done shouldn't interrupt the people doing it.</p>
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<p><b>Ryan Stuart</b></p> <p>Joined: 12 Feb 2009 Posts: 41</p>	<p>Posted: Wed Mar 25, 2009 1:50 pm Post subject:</p> <hr/> <p>Look at the "Marketing Program" menu item on <a href="#">this</a> page.</p> <hr/>
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<p><b>G2Football</b></p> <p>Joined: 15 Feb 2009 Posts: 8 Location: Brisbane</p>	<p>Posted: Thu Mar 26, 2009 7:11 am Post subject:</p> <hr/> <p>Not all keeper jerseys are the same. eg Some have better protection than others. For field players it makes no difference as long as the shirt fits.</p> <p>FQ try to restrict brands as part of a sponsorship deal. They have a exemption from the ACCC for anti competitive behaviour ie it would be illegal for FQ to do this without that exemption. Problem for FQ is the exemption was provided based on limited and incomplete info. The smart thing is for common sense to prevail and not worry about what brand the keeper wears. If FQ push it they'll run in to a lawyer (and we all know there are plenty of them around) who'll challenge their ACCC exemption and they'll lose the lot, not just the keeper argument.</p> <p>It is about money for FQ.</p> <p>For keepers, its about safety, performance and their legal right of choice. For the law its about anti-competitive behaviour. Ask football in Victoria, they lost a case on this and had to drastically modify their arrangements. By the way, most states do not restrict team brands the way FQ does. Maybe FQ should think more about players than sponsorship deals.</p>

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**NATO**

Posted: Fri Mar 27, 2009 6:44 am Post subject:

Joined: 14 Feb 2009

Posts: 5

Location: brisbane

G2football I dont think a lawyer will do any good, as I said this has been going on for at least 20 years. In another sponsorship angle Lions were once sponsored by Fosters. When they rejoined the brisbane XXXX league there were problems. They were told that Fosters could not be shown on their shirts or anywhere else because XXXX were the major sponsors. There were calls of restriction of trading then too. The end result after a battle.....Lions dropped their sponsor. Rightly or wrongly remember that FBI etc are only representative of the clubs themselves and that any money they get is actually the clubs money. On a personal note I would like to see a free for all because I have never seen that money flow on but I suppose there are a lot of expenses running a comp and without sponsors it would only get more expensive for clubs to join and play in such a comp.

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**G2Football**

Posted: Fri Mar 27, 2009 7:15 am Post subject:

Joined: 15 Feb 2009

Posts: 8

Location: Brisbane

NATO - In legal cases the only certain winners are the lawyers. Restrictions like the xxx league are interesting but the direct comparison is Football Victoria. They were doing exactly what FQ are doing - and were in breach of anti competitive law.

How do most states get by without this sort of sponsorship?  
If FQ can't do their job without this sort of sponsorship why do they have to include keeper shirts?  
FQ don't restrict the brand of boots players wear, but using their logic, they should be able to if they were paid enough money. If you believe they have the power to restrict the brand of shirt you wear, why not boots. Either they have the power or they don't.

In fact they have the power on shirts only because they have been given special permission by the ACCC to restrict trade.

Like I said, a bit of common sense please. Just let keepers wear the shirt they want - like most states.

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**Logan**

Posted: Sat Mar 28, 2009 2:08 pm Post subject:

Joined: 12 Feb 2009  
Posts: 5

A further question re goal keepers attire. Today in my son's team a referees assessor advised the coaches at half time that unless the keepers jersey (an approved brand) had the Q logo on it the club would be facing a hefty fine next week. So does the Q logo still need to be displayed on all playing strips, including shirts, shorts and socks?

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**darv**

Posted: Sat Mar 28, 2009 3:36 pm Post subject:

Joined: 17 Feb 2009  
Posts: 12

**Logan wrote:**

A further question re goal keepers attire. Today in my son's team a referees assessor advised the coaches at half time that unless the keepers jersey (an approved brand) had the Q logo on it the club would be facing a hefty fine next week. So does the Q logo still need to be displayed on all playing strips, including shirts, shorts and socks?

Everything expect the socks.

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**Logan**

Posted: Sat Mar 28, 2009 9:10 pm Post subject:

Joined: 12 Feb 2009  
Posts: 5

Thanx darv - then from what I saw on the field today, my own club and a number of others may be in trouble in the upcoming weeks if there is a crack down on jerseys and shorts. Six clubs today without Q logo on

playing shorts.	
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Author	Message
darv	☐ Posted: Sat Mar 28, 2009 11:11 pm Post subject: <a href="#">quote</a>

Joined: 17 Feb 2009

Posts: 70

**Logan wrote:**

Thanx darv - then from what I saw on the field today, my own club and a number of others may be in trouble in the upcoming weeks if there is a crack down on jerseys and shorts. Six clubs today without Q logo on playing shorts.

I'm as unhappy as you. I have a Sells kit that's 100 times better/ safer than the crap I have that's licensed.. but it must stay on the training pitch... I agree with others that the rules should be that same as for boots.

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**G2Football**

Posted: Sun Mar 29, 2009 8:47 am Post subject:



Joined: 15 Feb 2009

Posts: 35

Location: Brisbane

I agree with Darv. The Sells keeper kit is lightyears ahead of the licensed product - in quality and extent of padding and protection. I'll be polite and not say what I think of the licensed keeper kit.

As a specialist keeper manufacturer, it would not be profitable for Sells to pay a license fee when they are only looking at one player per team likely to buy their product. Sells don't make team kits for field players.

I doubt the licensed suppliers rely on the keeper jersey for their profit. If they did, most keepers would happily buy one to put in their bag then wear the jersey they want.

If it makes FQ happy, we could buy their substandard jersey - just don't try and make us wear it - how about that.

Question???? What happens if the keeper does wear a non approved jersey? What happens to the player, their team the club???

Logan's post raises some other questions though. Sounds like it's not just keepers whose kit is not 'FQ approved'.

Another question??? If a club pays for kit approved in 2009, what guarantee is there that particular brand will be approved next year or the year after??? Can you wear kit that used to be licensed but is not licensed this year???

Last edited by G2Football on Fri Apr 03, 2009 12:24 pm; edited 1 time in total

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**RegentsRobbo**

Posted: Mon Mar 30, 2009 3:51 am Post subject:

[quote](#)



Joined: 13 Feb 2009

Posts: 121

Location: Regents Park

The licencing program is just another money spinning program for Football QLD which forces sporting clothing manufacturers who want to sell football gear to Queenslanders to pay a licence fee and royalty on all sales. They say it's to maintain quality and all that crap but it's not. You would easily find at least another dozen world wide well reknown manufacturers around the world who's quality is much better than some of the crap stuff the Football QLD licencees make. It's all bullshit really.

For example you would think that Adidas would be involved as a internationally approved brand but they are not Football QLD approved. I've never heard of the ACCC exemption before and in my opinion this marketing program of Football QLD is highly uncompetitive.

The only thing though is the ACCC doesn't investigate or do anything about anti-competitive practices such as this until they have a significant number of complaints or if it is against the public interest. It has been going on for years in QLD because of the apathy of people to complain. So the only way to do something about this anti-competitive practice is, as a group send in massive complaints to the ACCC.

Sorry but just as AKA says "My two bobs worth" lol

Care Factor 0%

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**cables62**

Posted: Mon Mar 30, 2009 8:20 am Post subject:

[quote](#)

let's hug  
it out  
Bitch

Joined: 02 Mar 2009

Posts: 251

Robbo. You will find that both adidas and Nike have paid their Football Queensland Licence to supply playing kits. Its very strange that more clubs are not using adidas as they probably are really the number one football brand in the world. Perhaps its a price thing.



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**Phantom**

Posted: Mon Mar 30, 2009 9:01 am Post subject:

[quote](#)



Joined: 13 Feb 2009  
Posts: 62  
Location: Brisbane  
Southside

Question?

What stops you using "Sells" or any other brand and covering logos with FQ aproved ones??

"Phantom has eyes and ears everywhere" (ojs)

"I am known by many names" (ojs)

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**RegentsRobbo**

Posted: Mon Mar 30, 2009 12:02 pm Post subject:

[quote](#)



Joined: 13 Feb 2009  
Posts: 121  
Location: Regents Park

**cables62 wrote:**

Robbo. You will find that both adidas and Nike have paid their Football Queensland Licence to supply playing kits. Its very strange that more clubs are not using adidas as they probably are really the number one football brand in the world. Perhaps its a price thing.

I wasn't aware of that Cables but that is great they are licenced now. Thanks for pointing that out. I remember one local Brisbane club being fined for using Adidas match balls. Funny thing they only got caught because a photographer sent in some shots of the game to the QSF for coverage on their website.

Care Factor 0%

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CFC\_85



Joined: 20 Feb 2009  
Posts: 9  
Location: Brisbane

Posted: Mon Mar 30, 2009 12:52 pm Post subject:



I myself am a keeper and have a full adidas kit, as well as a nike jersy just in case my adidas kit clashes with the opposition. I have never had any drams thus far, neither jersey or pants have a Q logo on them. As for the jersey the club supplied, lets just say that sits at the bottom of our kit bag...

Statistics are just like mini-skirts, they give you good ideas but hide the most important thing.

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darv

Joined: 17 Feb 2009  
Posts: 70

Posted: Mon Mar 30, 2009 1:18 pm Post subject:



**Phantom wrote:**

Question?

What stops you using "Sells" or any other brand and covering logos with FQ aproved ones??

That was the plan, but getting a Q logo isn't simple.

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cables62



Joined: 02 Mar 2009  
Posts: 251

Posted: Mon Mar 30, 2009 1:22 pm Post subject:



People, on the FQ website you will see a list a licenced kit suppliers. I think these suppliers pay a fee to FQ for the right to provide their brand to clubs in Queensland. When the clubs decide which kit they will wear the manufacturer places the Q logo on the strip. The have to pay FQ a fee for every logo they use, which of course is included in the price to the clubs. I am sure that is why if there is no Q logo on a shirt you cant wear it and why you cant wear a brand that is not approved by FQ. Adidas are under

LWR sports on the web site.

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**G2Football**

Posted: Thu Apr 02, 2009 9:27 pm Post subject:

[quote](#)

Joined: 15 Feb 2009

Posts: 35

Location: Brisbane

cables62 is right about the FQ website - BUT check the adidas range actually available via LWR sports - It's a limited keeper range and does not include their top level jerseys.

Mr Keeper's adidas shirt may not be FQ aproved - even though it is an approved brand.

The usual FQ folk have been strangely missing from this topic.

The official FQ position is indefensible and unsustainable.

I hope Mr Keeper (and many others like him) are allowed to continue wearing their prepered kit without problems.

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**cables62**

Posted: Thu Apr 02, 2009 10:09 pm Post subject:

[quote](#)

let's hug  
it out  
Bitch

Joined: 02 Mar 2009

Posts: 251

True G2, the LWR stuff is very limited and the material is not like the stuff you buy at Rebel etc. but they do make the teamwear range so you can pick the colours you want but the designs are all pretty standard. The keeper gear is nowhere near as good as the adidas gear you can get elsewhere. soccer.com has awesome gear but unfortunately you cant wear it because of the logo situation.

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