

Our Ref: A91224 & A91225, 41613
Contact Officer: David Seccombe
Contact Phone: 02 6243 1394



**Australian
Competition &
Consumer
Commission**

7 October 2010

Ms Eunice Chai
Senior Operations Officer
Operations Unit
Office of Liquor and Gaming Regulation
Locked Bag 180
CITY EAST QLD 4002

GPO Box 3131
Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
tel: (02) 6243 1111
fax: (02) 6243 1199
www.accc.gov.au

via email: eunice.chai@deedi.qld.gov.au

Dear Ms Chai

Office of Liquor and Gaming Regulation applications for authorisation A91224 & A91225 – final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for authorisation lodged by the State of Queensland through the Office of Liquor and Gaming Regulation on 15 and 23 April 2010.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation for three years. The ACCC's assessment is set out in Chapter Four of its determination.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 28 October 2010. If no application to review is lodged by this date, the ACCC's determination will come into force on 29 October 2010.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

When authorisations expire

Towards the end of the period of authorisation, the holders of an authorisation may either:

- apply for a new authorisation for the conduct or apply to revoke and substitute the existing authorisation or

- stop the conduct (unless they consider that the conduct no longer risks breaching the Act).

Upon receipt of an application for 'reauthorisation', the ACCC will assess the arrangements afresh – namely, it conducts a public consultation process to help assess the public benefits and public detriments that are likely to result from the arrangements.

While the ACCC will consider any application for 'reauthorisation' based on the circumstances at that time, in many cases, this assessment can be informed by the whether the proposed public benefits and potential detriments were realised during the previous term of authorisation.

Should the State of Queensland consider it likely that it will seek 'reauthorisation' of the pro-forma liquor accord in the future, the ACCC expects it to collect evidence of the public benefit and detriment outcomes produced during the period of authorisation by liquor accords containing price and supply controls which are not mirror controls. The ACCC expects that this will involve a compilation of the material which must be supplied to the applicant by liquor accord bodies under Condition 2 (see Chapters Four and Five of the determination).

Such information should then be provided to the ACCC in support of any future application for 'reauthorisation'.

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 Seccombe on 02 6243 1394.

Yours sincerely



David Hatfield
A/g General Manager
Adjudication Branch