



Australian
Competition &
Consumer
Commission

Our Ref: C2009/1954
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7 June 2011

Mr Ben Gill
Chair – Casuarina Business Precinct Committee
Casuarina Square
247 Trower Road
Casuarina NT 0810

Dear Mr Gill

**Authorisations A91201 & A91202 – Casuarina Business Precinct Committee –
Liquor Accord**

I refer to your letter of 10 May 2011 and further correspondence on the above authorisations granted by the Australian Competition and Consumer Commission (the ACCC).

As you are aware, the effect of ACCC authorisations is to provide protection from the operation of the competitive provisions of the *Competition and Consumer Act 2010* (Cth) for parties engaging in anti-competitive conduct.

In the case of the Casuarina Business Precinct Committee (CBPC), authorisation has been granted to an agreement between businesses in the Casuarina Business Precinct to restrict the supply of certain types of alcohol products to consumers under a Liquor Accord. Authorisation has been granted on condition that CBPC provides written details of any proposed variation to the Liquor Accord at least 28 days before any variation. Authorisation does not extend to any variation to clauses 4 or 6(a) of the Liquor Accord.

You advise that CBPC have amended its Liquor Accord to incorporate directions contained in the Northern Territory Licensing Commission's decision of 23 May 2010 which, among other things, places a ban on the sale of four and five litre wine casks in the Darwin, Palmerston and rural areas.

As discussed with Hew Atkin of this office, Section 120C(3) of the *Northern Territory of Australia Liquor Act* (as in force at March 2011) states that 'any conduct on the part of any person for the purposes of preparing a draft local liquor accord, for the approval of a local liquor accord or for promoting or giving effect to the terms of a local liquor accord, is specifically authorised for the purposes of section 51 of the *Competition and Consumer Act 2010* (Cth).'

Given this statutory exception to the *Competition and Consumer Act 2010*, CBPC may wish to review the need for these ACCC authorisations.

A copy of your letter and the amended Liquor Accord will be placed on the ACCC's public register.

Should you have any queries in relation to the above matters, please do not hesitate to contact Hew Atkin on 02 6243 4938.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch

