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**Australian
Competition &
Consumer
Commission**

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18 September 2013

Dear Sir/Madam

Queensland Office of Liquor and Gaming Regulation application for revocation of authorisations A91224 & A91225 and substitution of new authorisations A91385 & A91386 – interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) is currently conducting a consultation process on an application for re-authorisation (applications for revocation and substitution) received from the Queensland Office of Liquor and Gaming Regulation (**OLGR**) on 17 September 2013.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the re-authorisation application as well as the OLGR's application for interim authorisation. Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Application for 're-authorisation'

The OLGR has applied for re-authorisation of a pro-forma liquor accord arrangement (**PLAA**). Liquor accord agreements are signed by licensed premises and others in a particular area and contain strategies to reduce the abuse and misuse of alcohol. The PLAA includes a number of measures for which authorisation is not requested, including provisions to combat underage drinking and record security incidents. Re-authorisation is sought for the 'Responsible service of alcohol' section of the pro-forma accord which covers:

- price controls – such as, a ban on drink cards, extreme discounts and discounts of limited duration, and a requirement to offer smaller serves of full strength drinks and serves of lower alcohol beverages at lower prices than full strength beverages
- supply controls – such as, a ban on serving alcohol in nonstandard containers such as water pistols or test tubes, on drinking games, and on advertising or allowing promotions of particular drinks.

A copy of the application is available on the ACCC's website
www.accc.gov.au/AuthorisationsRegister.

Background

The ACCC previously granted conditional authorisations A91224 & A91225 to these arrangements on 7 October 2010. The ACCC imposed a number of conditions to ensure that the price and supply controls contained in the PLAA are only adopted in

local areas where there are relevant identified harms or to promote compliance with existing Queensland legislation. Currently there is one liquor accord that incorporates conduct protected by the existing authorisations, the CBD Townsville Liquor Accord.

The authorisations are due to expire on 7 October 2013.

Request for submissions regarding interim authorisation application

Given the authorisations are due to expire shortly, the OLGR is seeking interim authorisation to allow signatories to the CBD Townsville Liquor Accord to continue receiving statutory protection to implement the price and supply controls contained in that agreement, while the ACCC considers the merits of the applications for re-authorisation.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct. Nevertheless, submissions in relation to interim authorisation are invited in this matter.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim authorisation is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim authorisation state if the ACCC should later deny authorisation.

Submissions in relation to interim authorisation should be provided by close of business **24 September 2013**. You can contact Megan Cunningham at the ACCC on the number below to make an oral submission on the interim application if you wish.

Request for submissions regarding the re-authorisation application

The ACCC also invites you to make a submission on the substantive application including the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

You may wish to outline your general experience of the arrangements during the term of the previous authorisation. The ACCC would also welcome your views on the public benefits and detriments you consider have actually resulted from the arrangements during the previous authorisation period.

If you intend to provide a submission in relation to the OLGR's application for re-authorisation please do so by **4 October 2013**. Submissions (including any submissions made regarding the interim authorisation application) will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
17 September 2013	Lodgement of application and supporting submission.
18 September 2013	Public consultation process begins.
24 September 2013	Closing date for submissions regarding interim authorisation.
Early October 2013	ACCC decision regarding interim authorisation.
4 October 2013	Closing date for submissions from interested parties on substantive application.
11 October 2013	Applicant responds to issues raised in the public consultation process.
December 2013 / January 2014	Draft determination.
January / February 2014	Public consultation on draft determination including any conference if called.
February/March 2014	Final determination.

Contact Information

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Megan Cunningham on (03) 9290 1856 or megan.cunningham@accc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch

Interested Party List for revocation of authorisations A91224 & A91225 and substitution of new authorisations A91385 & A91386

Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd
Alcohol and Drug Foundation Queensland
Alcohol and Other Drugs Council of Australia
Anglicare Central Queensland
Anglicare North Queensland
Australian Drug Foundation
Australian Food and Grocery Council
Australian Hotels Association
Australian Institute of Welfare and Community Workers
Australian Liquor Stores Association
Australian Medical Association
Australian National Council on Drugs
Australian National Retailers Association
Brewers Association of Australia & New Zealand
Brisbane City Council
Bundaberg Regional Council
Cairns Regional Council
Chamber of Commerce & Industry Queensland
Clubs Queensland
Department Of Communities
Department of Environment and Resource Management
Department of Families, Housing, Community Services and Indigenous Affairs
Department of Health and Ageing
Distilled Spirits Industry Council of Australia
DrinkWise Australia Ltd
Families Australia
Fraser Coast Regional Council
General Practitioners Queensland
Gold Coast City Council
Homelessness Australia
Independent Distillers Australia
Legal Aid Queensland
Mackay Regional Council
Mission Australia Queensland
National Association of Retail Grocers of Australia
National Centre for Education and Training on Addiction
National Drug & Alcohol Research Centre
National Drug Research Institute
National Health and Medical Research Council
National Independent Retailers Association
National Retail Association
Queensland Aboriginal & Torres Strait Islander Corporation for Drug & Alcohol
Dependent Services
Queensland Council of Social Service
Queensland Health
Queensland Hotels Association
Queensland Network of Alcohol and Other Drug Agencies
Queensland Police
Returned & Services League Of Australia (Queensland Branch)
Rockhampton Regional Council

Salvation Army, Central & North Queensland Division
Salvation Army, South Queensland Division
Shopping Centre Council of Australia
St Vincent de Paul Society Queensland
The Communications Council
Toowoomba Regional Council
Tourism Queensland
Townsville City Council
Wesfarmers Ltd
Winemakers' Federation of Australia
Women's Health Queensland Wide
Woolworths Ltd
Youth Substance Abuse Service
Secure Queensland
Townsville Street Chaplains
Tville City Council, Healthy and Safe City Committee
Mad Cow Tavern - Chair CBD Townsville Liquor Accord
Secretary CBD Townsville Liquor Accord