

Australian Competition & Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

Attn: Tess Macrae

Friday 24<sup>th</sup> May 2013

Dear Sir/Madam,

**For the public record but we would like to remain anonymous please**

I am writing to you to provide input into the APRA reauthorisation process as conducted by the ACCC. I have had numerous dealings with APRA over the years and my most recent experiences are documented below for the ACCCs consideration.

Our Hotel is a multi-purpose, general licensed Hotel with 3 separate and defined areas. One of its main marketing points is that you don't have to be stuck in the Party Zone. We have even installed a special speaker system to minimise noise leaking from one bar to another. We do not have a designated dance-floor. We do not charge cover charge. Our whole marketing is aimed towards a pub crowd.

Despite all this, APRA insisted vehemently on the whole ground floor being classified as a nightclub whenever entertainment was on. They insisted on the attendance figures reflecting the capacity of the whole venue, rather than the room as it correctly should have been.

APRA claimed that the venue was visited multiple times in several months, by their compliance staff and APRA used their numbers as fact despite these numbers being demonstrably wrong.

We argued strongly with them that it was a false assumption to say that we operate a nightclub in our pub let alone classify the whole venue as one big nightclub. The dispute went on for many months, but APRA refused to accept that their application of the tariff was flawed. This dragged on until both parties agreed on reduced attendance numbers that were far below what APRA were demanding, but far above what should have been paid.

In the end we agreed to numbers that both APRA and we knew to be untrue but we did this because we lacked the resources to fight on.

At reassessment time APRA sent us a form with blank boxes on it and no explanation of the tariffs themselves. We had learnt from bitter experience that we could not ask for clarification from APRA itself as it fails to provide options, it merely dictates what it wants. The tariff structures, along with their completely fabricated interpretations of tariffs make the experience of dealing with them a trying ordeal. We do not have the time or the resources for this undertaking.

In conclusion, I've been speaking to a number of other publicans and they have similar experiences. I'm grateful to be able to put my story on the public record and I'm hoping the ACCC process will bring about some much needed change.