

# Memo

## 01-12



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**To:** All Clubs  
**From:** Football Queensland  
**Subject:** ACCC Exclusive Dealing Notification N93402 – Review of ACCC decision  
**Date:** 16<sup>th</sup> January 2012

No doubt you will be aware of the Decision of the ACCC to issue a Notice Revoking Exclusive Dealing Notification N93402. This ACCC Revocation provided for the exemption from action against the Football Queensland Marketing Program.

This decision was particularly disappointing as the ACCC both failed to understand the actual full benefit of the Scheme and they failed to apply the statutory test appropriately considering the evidence provided.

The Board of Football Queensland has carefully considered the appropriateness of the ACCC decision and have instructed that an Application for Review be lodged with the Australian Competition Tribunal.

This appeal process is expected to take some months.

Whilst the matter remains under review the Scheme remains fully operational and legal. Even if the Tribunal was to find against Football Queensland there is no retrospective operation of the decision and all arrangements up and until the time of the adverse decision remains binding, i.e. the Football Queensland Marketing Program remains in force until we advise that our Application for Review was unsuccessful.

Should you require further information, please contact us at [admin@footballqueensland.com.au](mailto:admin@footballqueensland.com.au)

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