EXECUTIVE OFFICE





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

Our Ref: Contact Officer; Contact Phone:

1053889 Peter Clemes (03) 6215 9333

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Senator Bob Brown Australian Greens Leader GPO Box 404 HOBART TAS 7001

Dear Senator Brown

Thank you for your letter dated 11 January 2011 concerning the withdrawal of international funds transfer services by Visa, Mastercard and Paypal to WikiLeaks.

You have sought the view of the Australian Competition and Consumer Commission (ACCC) whether the withdrawals in question may amount to a misuse of market power under section 46 of the *Trade Practices Act* 1974 (the Act).

While the ACCC does not have specific information concerning the withdrawal of services to WikiLeaks other than information which has been publicly available, it appears that there was a progressive withdrawal of services by USA-based international funds transfer providers - including Visa, Mastercard and Paypal – commencing from early December 2010.

Section 46 of the Act (now named the Competition and Consumer Act 2010) prohibits corporations with a substantial degree of market power from taking advantage of that power for the purpose of eliminating or substantially damaging a competitor, preventing entry of a person to a market or deterring a person from engaging in competitive conduct in any market.

Given the fund transfer providers you refer to do not appear to be competitors of WikiLeaks, it is most unlikely that conduct has been engaged in to damage a competitor. The ACCC has no further information to form a view on the purpose of the conduct you refer to in order determine whether the remaining limbs of section 46 are relevant.

I should note that the Act also prohibits certain arrangements between competitors to withdraw services. Should there be any information that you are aware of to support the view that the actions you refer to are the subject of agreements between funds transfer providers we would be pleased to consider such.

If you have any further inquiries concerning this or other related matters, I would be pleased to assist you further.

Yours sincerely

Brian Cassidy Chief Executive Officer