



**Australian Competition & Consumer Commission**

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Our Ref: C2001/670  
Contact Officer: Jaime Norton  
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18 April 2002

Mr Anthony Mazak  
General Manager  
Network Payment Solutions  
PO Box 8391 PBC  
Perth WA 6849

*By facsimile: (08) 9325 1120*

Dear Mr Mazak

**RE: Network Payment Solutions Pty Ltd— seeking to amend third line forcing notification No. 70202**

I refer to your letter dated 4 April 2002 and your discussions with Ms Jaime Norton in relation to Network Payment Solutions (NPS) seeking to amend the above-mentioned notification. A copy of your letter has been placed on the Commission's public register for this matter. Legal immunity provided by the notification commenced on 7 June 2001.

Notification N70202 involves NPS offering a phone based credit card processing system on condition that the customer also establish a merchant account at the Bank of Western Australia Ltd (BankWest).

Your letter outlines that NPS customers who want to continue to use this service and any future customers of NPS must now enter into a direct individual merchant agreement with either BankWest or any other bank (being a member of the Visa and MasterCard Schemes). The Commission has noted this amendment. I do not propose to make inquiries at this time in relation to the amendment.

Having said that, you should be aware that the notification provisions of the *Trade Practices Act 1974* (the Act) do not specifically provide for amendments to notifications once lodged. Therefore, it is not without legal doubt as to whether the immunity afforded by Notification N70202 extends to cover the amended conduct. Ultimately it is a matter for you as to whether NPS needs to lodge a separate notification in this regard.



A copy of this letter has been placed on the Commission's public register. If you wish to discuss any aspect of this matter further, please do not hesitate to contact Ms Jaime Norton on (02) 6243 1208.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Grimwade', written in a cursive style.

Tim Grimwade  
General Manager  
Adjudication Branch