



AUSTRALIAN PAYMENTS CLEARING ASSOCIATION

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Mr Scott Gregson
Director
Adjudication Branch
Australian Competition & Consumer Commission
470 Northbourne Avenue
DICKSON ACT 2602

8 April 2005

Dear Mr Gregson

Bulk Electronic Clearing System ("BECS") Regulations and Procedures

I refer to the telephone conversation between you and Roger Featherston, on behalf of APCA, on 11 March 2005 in respect of the Bulk Electronic Clearing System ("BECS") Regulations and Procedures.

As you are aware, the BECS Regulations and Procedures were authorised by the Commission on 19 October 1994, which authorisations (A90561, A90562 and A90563) remain in force.

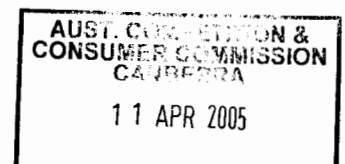
As discussed in the telephone conversation, APCA has undertaken a review of the BECS Regulations and Procedures and certain amendments have been made.

During the course of the review, APCA formed the view that there are only a limited number of provisions within the BECS Regulations that require authorisation and therefore a blanket authorisation of the BECS Regulations and Procedures and Constitution was not necessary.

Accordingly APCA hereby applies under s 91C of the *Trade Practices Act 1974* ("Act") for revocation of authorisations A90561, A90562 and A90563 in relation to the BECS Regulations and Procedures, and in substitution, APCA seeks authorisations for Regulations 4.24 to 4.30, 4.32, 4.34 and 4.35 of the BECS Regulations which:

- (a) might be an exclusionary provision within the meaning of s 4D of the Act; and
- (b) might have the purpose or likely effect of substantially lessening competition in a market within the meaning of s 45 of the Act.

At this stage, APCA does not wish to seek authorisation for any provisions of the BECS Regulations and Procedures which may constitute exclusive dealing within the meaning of s 47 of the Act as it considers no provision would constitute a contravention of that section.



A submission in support of these applications is attached. The amended BECS Regulations and Procedures are provided to the Commission as part of the submissions.

We look forward to receiving your determination.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kimberley Chan", with a long horizontal flourish extending to the right.

Kimberley Chan
LEGAL COUNSEL

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