



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2004/1436
Contact Officer: Michael Green
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8 December 2004

Ms Kimberley Chan
Acting General Counsel
Australian Payments Clearing Association
Level 24, 25 Bligh Street
Sydney NSW 2000

Dear Ms Chan

Applications for Revocation and Substitution and Revocation lodged by the Australian Payments Clearing Association (APCA) relating to the Australian Paper Clearing System (APCS)

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the applications for revocation and substitution which were lodged by APCA on 17 September 2004. The ACCC has also made a determination in respect of the application for the revocation of an authorisation lodged by APCA.

A copy of the ACCC's draft determination and determination are attached. The ACCC proposes to grant authorisation for five years for the reasons set out in its draft determination.

The ACCC has revoked authorisation A90552. Pursuant to section 101 of the Act, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 29 December 2004. If no application to review is lodged by this date, the ACCC's determination will come into force on 30 December 2004.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party who may be dissatisfied with the ACCC's draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Under the *Trade Practices Act 1974*, the ACCC must set a date within 14 days of which any pre-decision conference must be requested. Accordingly, if you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by



cob Friday 14 January 2005. Conferences are conducted informally, without the participation of legal or other professional advisers.

In the event of such a conference taking place it is likely that it would be held in Canberra and must be held by **13 February 2005**.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **cob Friday 14 January 2005** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

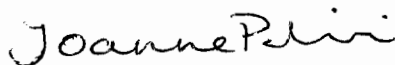
Submissions can also be lodged by e-mail to adjudication@accc.gov.au or by facsimile on (02) 6243 1211.

Any submission you make will be placed on the ACCC's Public Register. You may request that information you provide in a submission to the ACCC be treated as confidential and not placed on the Public Register. Information excluded from the Public Register for reasons of confidentiality will still be considered by the ACCC when reaching its decision. Guidelines for seeking confidentiality are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-determination conference be called, and will then release a final determination in relation to these applications.

If you require further information, please contact Michael Green on (02) 6243 1088.

Yours sincerely



Joanne Palisi
Director
Adjudication Branch