



SAFEPAYME.com



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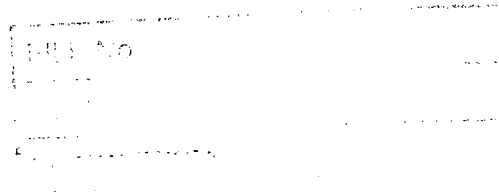
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Thursday, 24 September 2009

The General Manager, Adjudication
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601
Email: adjudication@accc.gov.au



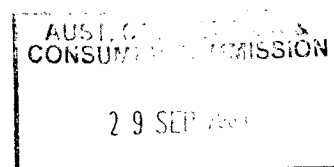
Dear Sir/Madam,

Re: Third Line Forcing – MYOB Australia Pty Ltd (N31129) (N93528)

It is hereby requested that immunity from the Trade Practices Act afforded to MYOB Australia Pty Ltd on 14th March, 2002 be withdrawn for the following reasons :

- 1) Immunity was granted in 2002 due to the fact that the Commission was satisfied that Bill Payment Services were not available to small and medium size business enterprises (SMEs) at that time.
- 2) Bill Payment Services and Australia Post Bill Pay services are now available to SMEs through Master Billers such as Safepayme Pty Ltd, C.U.S.C.A.L. and major Banking Institutions such as Westpac, St. George Bank, National Australia Bank etc, at pricing competitive with and lower than fees charged by MYOB.
- 3) We refer to letter dated 27th February, 2002 from Freehills to the ACCC, in particular :
 - (i) Point 5
"MYOB will not offer its Bill Payment Services on condition that they change their existing relationships with other Financial Institutions".
However, it is a condition that customers of MYOB must acquire credit card merchant facilities from the Commonwealth Bank of Australia.
 - (ii) Point 5.2
"Those customers who have MYOB Accounting Software will have access to MYOB invoice templates which can be customised to include details regarding the payment channels which they would like to have printed on their invoices"
Prospective clients of our Master Biller service have advised that MYOB will not allow any other BPay details to be entered on invoices, other than those relating to MYOB Bill Payment Services.

Our company also uses MYOB Software and when we approached MYOB's Technical Support Desk we were also informed that under no circumstances will they permit another Billers details to be entered on the Invoice supplied as part of their Software.



These are clearly cases where MYOB have breached point 5.2 of their submission to the ACCC.

Times have changed since 2002 and we know that many BPay options are now available to SMEs at lower fees than those being charged by MYOB and believe that MYOB's immunity from Third Line Forcing should be withdrawn because their behaviour has become anti competitive.

Please seriously consider this request in the interests of fair competition.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Knight', with a stylized flourish at the end.

Robert Knight
General Manager
SAFEPAYME Pty Limited