

MALLESONS STEPHEN JAQUES

Mr Gavin Jones
Director
Adjudication Branch
Australian Competition & Consumer Commission
Level 35 The Tower
360 Elizabeth Street
Melbourne VIC 3000

27 October 2009

BY EMAIL

Dear Mr Jones

**Re: Australian Payments Clearing Association Limited
applications for revocation and substitution A91153 & A91154 -
Application for interim authorisation**

I refer to our telephone conversation this morning regarding the above applications by the Australian Payments Clearing Association Limited (APCA) for revocation and substitution (**Applications**) which relate to the Consumer Electronic Clearing System (CECS).

The existing authorisations in respect of CECS (A30228 and A30229) will expire on 2 November 2009. You have advised that the Commission is unlikely to make a decision on the Applications until some time after this date.

APCA therefore requests that the ACCC grant interim authorisation in respect of the provisions of the CECS Procedures identified in the Applications, commencing on 3 November 2009.

APCA submits that it is appropriate for the ACCC to grant an interim authorisation in this case due to the following factors:

- The provisions of the CECS Procedures for which authorisation is sought are not highly anti-competitive.
- As there are existing authorisations in respect of CECS, the grant of an interim authorisation will maintain the status quo in the market.
- The interim authorisation is required to allow the ACCC sufficient time to assess the Applications.
- Granting an interim authorisation is unlikely to cause harm to other parties and will protect APCA from liability in respect of the provisions of the CECS Procedures to which the Applications relate; and
- The provisions of the CECS Procedures for which authorisation is sought have public benefits, as described in the Applications.

Yours sincerely



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