



**Australian Payments Clearing Association – applications for  
revocation and substitution A91153 & A91154  
– request for interim authorisation**

**REASONS**

**DECISION**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation with respect to applications for revocation and substitution A91153 and A91154 lodged by the Australian Payments Clearing Association (APCA) on 13 July 2009. Interim authorisation will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

**THE APPLICATION**

APCA is seeking reauthorisation for those provisions of its Consumer Electronic Clearing System (CECS) Regulations and Manual which it considers may be exclusionary provisions. Specifically, APCA is seeking reauthorisation for the provisions in the Regulations and Manual concerning initial certification of CECS members and the suspension and termination of CECS membership.

APCA is seeking reauthorisation for a period of five years.

Further information regarding the application is available on the ACCC's public register at [www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister).

**THE AUTHORISATION PROCESS**

The ACCC can grant immunity from the application of the competition provisions of the *Trade Practices Act 1974* (the Act) if it is satisfied that the benefit to the public from the conduct outweighs any public detriment. The ACCC conducts a public consultation process to assist it to determine whether a proposed arrangement results in a net public benefit.

## **INTERIM AUTHORISATION**

Section 91 of the Act allows the ACCC to grant interim authorisation without making a decision on the merits of the application.

The ACCC will only grant interim authorisation in appropriate circumstances. In many circumstances it is not appropriate to do so because interim authorisation allows an applicant, for a limited period, to engage in conduct before the ACCC has been able to fully assess whether the conduct satisfies the authorisation test.

## **REASONS FOR DECISION**

APCA's CECS Regulations and Manual have been authorised since 2000. APCA is now only seeking reauthorisation for provisions in the Regulations and Manual concerning initial certification of CECS members and the suspension and termination of CECS membership. These provisions have not changed substantially since the ACCC last authorised the arrangements.

The ACCC considers that granting interim authorisation will preserve the status quo, allowing APCA and members of CECS to continue to engage in these arrangements while the ACCC considers the merits of the substantive application for revocation and substitution.

## **RECONSIDERATION OF DECISION**

The ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.