



Retail Energy Market Company Ltd - A91170 & A91171

Interim authorisation decision

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation with respect to applications for authorisation under section 88(1A) of the *Trade Practices Act 1974* lodged by the Retail Energy Market Company Ltd (REMCo) on 24 July 2009.

The interim authorisation by the ACCC will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

REMCo has sought authorisation to continue to operate Chapters 5 and 6 of its Retail Market Rules.

INTERIM AUTHORISATION

Interim authorisation, pursuant to section 91(2)(d) of the *Trade Practices Act 1974* (the Act), protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the Act while the ACCC considers and evaluates the merits of the application. The decision on interim authorisation in no way binds the ACCC in its consideration of the merits of the substantive applications.

REASONS FOR DECISION

The ACCC previously granted interim authorisation to REMCo on 27 May 2009 for the same conduct. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions.

In granting interim authorisation the ACCC considers that the protection provided by interim authorisation will allow the applicants to continue to utilise the swing service provisions of the RMR.

The RMR will also ensure that a system of compliance, operated by an independent panel, can operate.

The ACCC has taken into account that no objections have been raised to the previous application for interim authorisation.

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.

29 July 2009