



Australian
Competition &
Consumer
Commission

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Our Ref: C2011/815
Contact Officer: Pamela Cue
Contact Phone: 02 6243 1066

21 October 2011

Michael Sing
Michael Sing Lawyers Pty Ltd
9 Ouyan Street
Bundall Queensland 4217

Sent via email: msing@msllawyers.com.au

Dear Mr Sing

**Third line forcing notification N95566 lodged by First Class Taxis Pty Ltd
- interested party consultation**

I refer to the above mentioned third line forcing notification lodged with the Australian Competition and Consumer Commission (ACCC) on 27 September 2011.

The purpose of this letter is to advise First Class Taxis Pty Ltd (First Class) that the ACCC has decided to undertake a public consultation process in regards to the notification and to seek further information from your client on the notified conduct.

Public consultation process

Please find enclosed, for your information, a copy of the letter the ACCC sent today to potentially interested parties as part of this process.

The ACCC has sought views from a range of parties who may be affected by the conduct, including suppliers, industry associations and relevant Government agencies.

All publicly available submissions will be posted on the ACCC's internet site at www.accc.gov.au/ExclusiveDealingRegister and by following the links to this matter. Alternatively, at the end of the consultation period the ACCC can arrange for you to receive a copy of all publicly available submissions received in relation to the notification.

Request for further information

The ACCC seeks the following information from First Class, in order to assist it in its assessment of the notification.

1. What impact is the notified conduct likely to have on the range of possible EFTPOS service providers available to taxi drivers. Will it affect taxi drivers' ability to use a secondary EFTPOS terminal.
2. Please provide a list of First Class's current approved suppliers. Which other EFTPOS suppliers are able to meet the criteria?
3. Please provide a detailed explanation of why First Class proposes to require EFTPOS suppliers to 'provide a charge account system which gives passengers a line of credit to pay for taxi fares and related charges'. What benefits does First Class expect to flow from this restriction and what effect, if any, will it have in limiting the number of potential providers of EFTPOS services?
4. What is the process for EFTPOS suppliers to seek to become approved suppliers? What is the process for assessing any such requests and deciding whether to approve a prospective supplier? Is there any ability to seek review of such a decision or a dispute resolution process?
5. Please describe the proposed underlying contractual arrangements between First Class, EFTPOS suppliers and baliees/drivers to give effect to the notified conduct and provide copies of any such contracts.
6. Any other information that First Class wishes to provide in relation to the public benefits and detriments resulting from the notified conduct.

Please provide this information by **4 November 2011**.

The ACCC will provide you with the opportunity to respond to any issues raised by interested parties before finalising its assessment of this notification.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Pamela Cue on 02 6243 1066.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch