



**Australian  
Competition &  
Consumer  
Commission**

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

21 October 2011

Dear Sir / Madam

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

The Australian Competition and Consumer Commission (ACCC) has received a third line forcing notification from First Class Taxis Pty Ltd (First Class).

The purpose of this letter is to provide you with an opportunity to comment on this notification. Attached for your information is a summary of the notification process, including how to make a submission to the ACCC.

***The notification process***

Notification provides protection from legal action for conduct that might otherwise raise concerns under the competition provisions of the *Competition and Consumer Act 2010* (the Act). Broadly, the ACCC may allow a third line forcing notification to stand if it is satisfied that the likely benefit to the public arising from the conduct will outweigh the likely detriment to the public arising from the conduct.

The protection afforded by a third line forcing notification arises 14 days after the notification is lodged with the ACCC. The ACCC may revoke a third line forcing notification at any time if it determines that the conduct to which the notification relates no longer delivers a net public benefit.

***Notification N95566 lodged by First Class***

First Class operates a taxi management company on the Gold Coast in Queensland.

On 27 September 2011, First Class lodged notification N95566 with the ACCC. Under the notification, First Class proposes to bail its taxis to drivers on condition that the driver acquires Electronic Funds Transfer at Point of Sale (EFTPOS) services only from a supplier approved by First Class.

First Class notes that it will reasonably approve all suppliers that satisfy all of the following criteria:

- Provide a charge account system which gives passengers a line of credit to pay for taxi fares and related charges
- Provide a payment system which allows the taxi driver to process non-cash payment systems and other payment systems as mandated by law
- Provide processing services which facilitate the distribution between First Class and the taxi driver of passenger fares received by EFTPOS
- Provide EFTPOS terminals that will be hardwired to taxi cab metres so as to allow real time visibility and recording of all transactions by First Class
- Provide a payment system which does not permit payment of any monies into an account other than those designated by First Class.

A full copy of the notification is attached and is also available on the ACCC's website [www.accc.gov.au/ExclusiveDealingRegister](http://www.accc.gov.au/ExclusiveDealingRegister) and by following the links to this matter. Alternatively, you can contact the ACCC to obtain a hard copy of the notification.

### **Request for submissions**

To assist the ACCC in its consideration of the notification, the ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, arising from the proposed conduct.

The ACCC would appreciate your comments on First Class's criteria for approved suppliers and the ability of EFTPOS providers to meet these requirements. In particular, the ACCC is interested in your views on what impact this conduct is likely to have on the range of possible EFTPOS service providers available to taxi drivers and whether it will affect driver's ability to use a secondary EFTPOS terminal.

Submissions can be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) or [pamela.cue@acc.gov.au](mailto:pamela.cue@acc.gov.au). If you would like to provide comments orally, please contact Pamela Cue on 02 6243 1066 to arrange a time to do so.

Please note that any submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

If you intend to provide a submission in relation to First Class's third line forcing notification, please do so by **4 November 2011**.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the notification. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the 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

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch

## **Interested Party List**

1. Akyman
2. Alex Taxis
3. Australian Taxi Drivers Association
4. Australian Taxi Industry Association
5. Black and White Cabs (Cabcharge)
6. Cab Drivers' Association of Queensland
7. Cabbie Express
8. Cabcharge Australia Limited
9. Cabfare
10. Department of Transport and Main Roads
11. GM Cabs (St George)
12. Gold Coast Cabs
13. Live Group
14. Mpos Australia Pty Ltd
15. Schmidt (Electronic Laboratories)
16. Suncoast Cabs
17. Taxi Awards Pty Ltd
18. Taxi Council of Queensland
19. Taxi Link
20. Transport Workers Union
21. Tyro Payments
22. Yellow Cab Co.