



**Australian
Competition &
Consumer
Commission**

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9 August 2013

Ms K Edghill
Partner
Truman Hoyle

By email: kedghill@trumanhoyle.com.au

Dear Ms Edghill

**Authorisation A91379 & A91380 submitted by Visa Worldwide Pte & Ors –
request for material to be excluded from the public register**

I refer to your submission regarding the above application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC).

I have considered American Express Australia Limited's (AEAL) request that the confidential version of the submission dated 19 July 2013 be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Competition and Consumer Act 2010* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the relevant document will not be placed on the public register.

As you are aware, the ACCC accepts information on a confidential basis subject to the following:

- There is no restriction on the internal use, including future use, the ACCC may make of the information consistent with its statutory functions.
- Information provided to the ACCC on a confidential basis may be viewed by the ACCC's external consultants (for example legal, economic and industry advisers) on the condition that each consultant will be informed of the obligation to treat the information as confidential.
- The ACCC will not disclose confidential information to any third parties (other than its external consultants) without first obtaining written consent from the party who provided the confidential information, unless it is otherwise compelled to do so by law or in accordance with section 155AAA of the Act.

However, I note that the submission asks that the ACCC not disclose the confidential information to any other person without the express waiver of confidentiality by AEAL.

To clarify, the ACCC will not seek AEAL's waiver of confidentiality for the disclosure to the ACCC's external consultants, where disclosure is compelled by law or permitted in accordance with section 155AAA of the Act.

This letter has been placed on the ACCC's public register.

I note that you also provided a public version of your clients' submission. This version has been placed on the public register in the form it was provided to the ACCC.

Should you have any queries in relation to this matter, please do not hesitate to contact Hayley Parkes on 03 9290 6926.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch