



Australian  
Competition &  
Consumer  
Commission

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9/08/2016

Paula Gilardoni  
Partner  
Gilbert + Tobin

Sent by email: [PGilardoni@gtlaw.com.au](mailto:PGilardoni@gtlaw.com.au)

Dear Ms Gilardoni

**Bendigo and Adelaide Bank and others applications for authorisation (A91546 & A91547) — request for further information**

I refer to the abovementioned applications for authorisation lodged with the Australian Competition and Consumer Commission (the **ACCC**) on 26 July 2016.

As discussed with you on 5 August 2016, please provide a response to the following questions. The response will be placed on the ACCC's website and public register.

1. Which card issuers may participate in the collective negotiations? For example, does it include retailers with loyalty cards and overseas card issuers?
2. How long is the period in which other card issuers must respond to the invitation to participate in the collective negotiations?
3. Can collective negotiations commence while other card issuers are still deciding whether to opt in? Can a card issuer ever leave, or a new issuer enter (or an issuer re-enter), the collective negotiation group (e.g. during negotiations)?
4. Can participating card issuers individually negotiate with Third Party Wallet Providers at all while the collective boycott is in place (i.e. in relation to issues outside the three set out in the applications)?
5. How will the collective boycott be monitored and enforced?
6. What are the consequences if a card issuer breaches the boycott?
7. When would a collective negotiation be deemed unsuccessful?

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact me on (03) 9290 1973 or at [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

Lyn Camilleri  
Director  
Adjudication