Adjudication

Authorisations

The Commission has the function, through the authorisation process, of adjudicating on proposed mergers and certain anti-competitive practices that would otherwise breach the Trade Practices Act.

Authorisation provides immunity from court action, and is granted where the Commission is satisfied that the practice delivers offsetting public benefits.

Australian Competition Tribunal

Australasian Performing Rights Association Limited

On 4 February 1998 the Australasian Performing Rights Association Limited (APRA), a voluntary collecting society, applied to the Australian Competition Tribunal for a review of the Commission's determination denying authorisation and revoking notification protection in respect of the following APRA arrangements:

- input arrangements — the assignment of performing rights by members of APRA and the terms upon which membership is granted;
- output arrangements — the licensing arrangements between APRA and users of musical works; and
- distribution arrangements — the arrangements under which APRA distributes to members the fees it has collected from licences (with a rule that composers receive at least 50 per cent of the royalties collected for their work).

In its determination the Commission had indicated that it would have granted authorisation and allowed the notification to stand had the APRA arrangements been modified in the following three respects:

- introduction of an opt-out system incorporating certain key features which would permit members to opt out of the APRA system on a work-by-work basis;
- introduction of an appropriate appeal mechanism which would enable the resolution of small disputes in a simpler and less expensive way than was possible through the Copyright Tribunal; and
- modification of the 50 per cent distribution rule so that it did not apply in circumstances where a member assigned a work to a third party.

The Tribunal heard this matter in November 1998. APRA, the Commission and the Federation of Australian Commercial Television Stations (FACTS) participated in the hearing. On 16 June 1999 the Tribunal issued its reasons for decision.

In relation to APRA's output arrangements, the Tribunal considered that the Copyright Tribunal provided an effective constraint on APRA's dealings with its major licensees, but for small users of music and small disputes the cost of Copyright Tribunal proceedings might be disproportionate to the licence fees likely to be payable. The Tribunal concluded that APRA should introduce a simplified dispute resolution scheme, and suggested features for incorporation in such a scheme.

The Tribunal noted that the Commission's contentions that APRA's input arrangements should be modified to allow direct dealing between composers and users such a television broadcasters, and that in relation to the output (licensing) arrangements there should be a mechanism for fee adjustment, were interrelated. The Tribunal proceeded to determine the question of the input

arrangements on the basis that it would not be impossible for the parties or the Copyright Tribunal to arrive at a method and formula for adjusting licence fees.

On the issue of APRA's input arrangements the Tribunal, having reviewed developments overseas, noted that the requirement of an exclusive assignment of all works was central to the operation of a collecting society. It concluded, however, that an opt-out system under which a member could obtain from APRA a non-exclusive licence for a specific work or works would not create a 'hole' in APRA's repertoire, and, in the interests of the member, would leave in place a structure under which royalties would be collected for local use by other licence holders and for overseas use.

In relation to the 50 per cent distribution rule the Tribunal noted that in practice a writer and a producer are not prevented from agreeing to share royalties on some other basis. It did not consider that modification of the rule should be a prerequisite to authorisation.

The Tribunal adjourned the proceedings for nine months to enable APRA to design rules for both a non-exclusive opt-out system and an alternative dispute resolution procedure, as proposed in the Tribunal's decision.

Determinations

Australian Direct Marketing Association

In relation to ADMA's Direct Marketing Code of Practice (A40077)

- Draft determination issued 7 October 1998.
- Final determination issued 16 August 1999.

On 2 September 1998 the Australian Direct Marketing Association (ADMA) lodged an application for authorisation in relation to its Direct Marketing Code of Practice.

The Commission considered that the application of the code was limited by its narrow definition of 'direct' marketer. Many of the provisions apply only where an ADMA member had entered into a contract with a customer for the sale of goods or services that was negotiated at a distance, and a record of that transaction was captured and maintained on a list or database for further marketing purposes. The Commission required ADMA to make a number of amendments in order to broaden the scope of the code.

The code contains a number of rules outlining standards of fair conduct generally, as well as standards relevant to telemarketing, electronic commerce and consumer data protection. The Commission is of the view that these rules have the potential to give rise to a number of public benefits in so far as they:

- provide consumers with rights additional to those that are granted at law, for example, the right to a seven-day cooling off period and to a refund in appropriate circumstances;
- protect consumers from unreasonably intrusive forms of direct marketing and protect consumers' right to privacy; and
- provide consumers with recourse to a resolution mechanism under which they have complaints about products or services they have purchased, or the conduct of an ADMA member.

However, it considered that the extent to which the code would in practice be likely to benefit the public depends upon the level of compliance with the code's rules. The Commission had concerns about the code's enforcement provisions, including the independence and accountability of decision-making bodies, the remedies available, and the complaints handling process. It has required a number of amendments to these provisions.

On 7 October 1998 the Commission issued a draft determination proposing to grant conditional authorisation.

On 16 August 1999 the Commission issued a determination granting authorisation in respect of the code of practice until 16 August 2003, on condition that ADMA amended the code. ADMA was also required to keep the code up to date with amendments to the Model Code of Practice for the Direct Marketing Industry, the OECD Guidelines for Consumer Protection in the context of Electronic Commerce, and the

National Principles for the Fair Handling of Personal Information, on which ADMA's code is based.

Australian Payments Clearing Association

In relation to the proposed Direct Debit Requests amendments to the Bulk Electronic Clearing System (A30197–9)

- Draft determination issued 30 June 1999.
- Final determination issued 21 July 1999.

On 10 May 1999 the Australian Payments Clearing Association (APCA) applied for authorisation in respect of proposed Direct Debit Requests (DDR) amendments to the Bulk Electronic Clearing System (BECS) arrangements that were granted authorisation by the Commission in October 1994.

APCA advised that the DDR amendments were essentially procedural in nature although they do involve some changes to the rights and obligations of parties to the BECS arrangements. The DDR amendments involve:

- introduction of a new form of customer authority for direct debits (the DDR);
- a revised procedure for handling direct debit authorities;
- simplification of indemnity and customer claim responsibilities; and
- introduction of new minimum rights and responsibilities for inclusion in direct debit service agreements.

The Commission considered that there was little if any anti-competitive detriment in the proposed changes to the customer authority. It also considered that the increased flexibility of the customer authority format would be likely to result in benefits to both organisations offering direct debit services (debit users) and their customers as DDRs could be tailored to meet their particular requirements. In addition, the extent to which DDRs are provided in electronic form would be likely to enhance the efficiency of the direct debit process.

In the Commission's view there were no significant anti-competitive effects in the proposed transfer of administration of customer authorities from the financial institutions holding customers' bank accounts to the debit users. The Commission also considered that overall efficiency benefits were likely to result from the proposed administration of customer authorities by debit users.

It also considered that net public benefits were likely to result from the amended indemnity and customer claims arrangements, and from the DDR service agreements.

On 30 June 1999 the Commission issued a draft determination proposing to grant authorisation. On 21 July 1999 it issued a final determination granting authorisation until 12 August 2004.

Energy Risk Management Pty Ltd

In relation to a risk management product for participants in the National Electricity Market (A90674–5)

- Interim authorisation granted 25 November 1998.
- Draft determination issued 28 July 1999.
- Final determination issued 25 August 1999.

On 16 September 1998 Energy Risk Management Pty Ltd (ERM) lodged applications with the Commission for authorisation of the 'd-risk' Energy Risk Management Scheme. Amendments to the applications were made on 10 November 1998 and 3 June 1999.

This application was for an arrangement that would result in contracts between the d-risk manager and participating vendors, as well as the d-risk manager and purchasers of difference payments under the d-risk product.

The d-risk scheme is designed to:

- enable market participants, particularly generators, to manage operational risks during periods in which the spot price for electricity is very high;
- facilitate the provision to end-use customers of firm retail prices even in periods of high spot prices; and
- provide an instrument available to all market participants that pays difference payments on a volume linked basis.

After considering the arguments advanced by ERM, the Commission considered that the d-risk scheme may be anti-competitive in that it would reduce the amount of generation capacity available for alternative risk management products. However, it concluded that this is an integral feature of the d-risk scheme and the commitment of capacity ensures the viability of the d-risk scheme.

The Commission was also satisfied that the d-risk scheme benefits the public through the increased competition in the risk management product market, which may have consequential benefits of reducing risk management costs, and driving risk management product innovation. Limited public benefit may also result from the encouragement that the d-risk scheme provides for generators to make capacity available to the market.

The importance of these public benefits was considered by the Commission to outweigh anti-competitive effects of the d-risk scheme.

On 28 July 1999 the Commission issued a draft determination outlining its position on the applications.

On 25 August 1999 it issued a final determination granting authorisation to become effective on 15 September 1999.

The South Australian Oyster Growers Association

In relation to collection of a levy for industry development and promotion (A60023)

- Draft determination issued 1 July 1999.
- Final determination issued 9 September 1999.

On 23 April 1999 the South Australian Oyster Growers Association (SAOGA) lodged an application to impose a levy on purchasers of oyster spat sold for cultivation of oysters within South Australia.

The Commission accepted that there is public benefit in imposing a levy on oyster spat sales. The Commission considered that the anti-competitive nature of the levy was significantly reduced due to industry support and the operation of the refund scheme.

On 1 July 1999 the Commission issued a draft determination proposing to grant authorisation until 1 July 2004.

On 9 September 1999 the Commission issued a final determination granting authorisation until 9 September 2004.

Hertz, Avis, Thrifty, Budget

In relation to collective negotiation with Sydney Airport Corporation (A90687)

- 9.6.99 Interim authorisation refused.
- 28.7.99 Draft determination issued.
- 25.8.99 Final determination issued.

The applicants currently provide car rental services at Sydney Airport. They have desk sites in the international and domestic terminals and varying numbers of ready bays (i.e. where customers collect their cars) in the international and domestic terminal car parks. Together, they account for almost 70 per cent of the Australian car rental market. They account for the vast majority of rentals originating from Sydney Airport, although there are a small number of off-airport operators that also provide car rental services.

The application sought authorisation for the applicants to collectively negotiate car rental concession agreements at Sydney Airport with Sydney Airports Corporation Limited (SACL). These agreements relate to:

- fair pricing policy and the ability of the applicants to pass on increased costs resulting from the proposed new charging system at Sydney Airport; and
- the number and location of parking bays allocated by SACL to the applicants.

In April 1999 SACL invited tenders for the provision of car rental services at Sydney Airport for a further five years. The tender documents proposed a number of changes from current operations, including:

- an increase in the number of on- and off-airport operators;
- a change in the way the Minimum Guaranteed Amount (MGA) payable to SACL would be calculated;

- provision for SACL to levy the operator either the MGA tendered by them or 10 per cent of their airport rental revenue, whichever is the greater;
- a requirement for operators to charge the same for rentals originating at the airport as they charge at metropolitan Sydney outlets (SACL's so called fair pricing policy);
- an increase in the price of ready bays of approximately 70 per cent in the first year; and
- the re-location of domestic terminal ready bays to the eastern car park.

The applicants believed that changes to the charging system would result in substantial increases. SACL disputed this.

The Commission concluded that the requirements of people renting cars at the airport are sufficiently different from users of other transport modes that the degree of substitutability is low. The Commission accepted that there may be some instances where the degree of substitutability is high, but it believed these are a minority.

While the Commission considered the rental car market to be limited to a relatively small geographic area within Sydney, it did not analyse the market in detail — since, in light of changes made by SACL to its tender specifications, the outcome of the application did not depend on a precise definition.

The applicants argued that there would be minimal impact on competition because the proposed arrangement would enable them to price services according to the true cost of providing those services. It would also enable them to cease any cross subsidy in their operations between on-airport and off-airport rentals. This would enable them to price off-airport rentals according to market forces at the specific location. Thus they would be able to compete more effectively in off-airport rentals.

The applicants also submitted that the proposal would disadvantage them in relation to other transport modes at the airport, thus decreasing the level of inter-modal competition.

The Commission did not address the potential anti-competitive effects of collective negotiation to remove the fair pricing clauses as it was no longer relevant.

The Commission was concerned that the proposed conduct involves the four main car rental companies and no other market participants. To permit collective negotiation on the number and location of ready bays could lead to the applicants obtaining the best located bays at the expense of potential new entrants. It could also help them entrench their market positions by securing a greater number of bays at the expense of new entrants. This would significantly reduce the ability of new entrants to compete.

While it could be argued that new entrants could compete by providing off-airport rentals, the Commission was not convinced this would be in the best interests of the consumer. A greater number of on-airport operators should increase the level of competition at the airport and if the incumbents did not have (in their view) sufficient bays on-airport they could operate off-airport rentals as well.

The Commission concluded that the proposed conduct may lead to a lessening of competition.

The Commission considered the claimed public benefit and detriment in the two broad areas of concern to the applicants.

Because SACL had removed the requirement for operators to charge the same for rentals originating at the airport as they charge at metropolitan Sydney outlets from the tender documents, the Commission believed that any public benefits claimed to arise from removing it had already been achieved and could not be attributed to collective future negotiation. The Commission concluded, therefore, that there were no public benefits arising from collective negotiation to remove the fair pricing clauses.

The Commission also considered that SACL had adequately addressed the concerns of the rental car companies about the location of ready bays. It could see no public benefits from permitting the companies to collectively negotiate the location and number of ready bays given the changes made by SACL.

The Commission concluded that there were no public benefits arising from the proposed conduct because the two issues the applicants

wanted addressed via authorisation of collective negotiation with SACL have been removed by SACL in its amended tender documents.

On 25 August 1999 the Commission issued a final determination dismissing the application.

Bundaberg Associated Friendly Societies

In relation to a proposed collective purchasing and negotiating group for private hospitals (A50019)

- Draft determination issued 16 December 1998.
- Second draft determination issued 29 April 1999.
- Final determination issued 1 September 1999.

On 12 June 1998 an application for authorisation was made by:

- Bundaberg Associated Friendly Societies' Medical Institute trading as the Friendly Society Private Hospital;
- St Andrew's Toowoomba Hospital;
- St Andrew's War Memorial Hospital Brisbane; and
- the Uniting Church in Australia Property Trust (Queensland) trading as St Stephen's Private Hospital in Maryborough and the Wesley Hospital in Brisbane.

On 28 April 1999 the Commission issued a revised draft determination proposing to reverse its initial decision.

To allow industry stakeholders an opportunity to comment on the Commission's revised position on the application, it invited interested parties to attend a general meeting. This meeting was held in Brisbane on 13 July 1999.

The applicant hospitals sought authorisation to enter into an agreement ('the Inter-Hospital Agreement') which would permit them to:

- exchange non-fee related information;
- exchange fee related information; and
- establish a common agent to facilitate the exchange of aggregated data and to assist in the negotiation of Hospital Purchaser/Provider Agreements (HPPAs).

In light of further submissions, discussions at the general meeting on 13 July 1999 and its own further consideration, the Commission revised its definition of relevant markets for the purpose of considering this application.

The Commission recognised that defining the relevant markets in this case was difficult as the health sector involves five principle groups including public hospitals, private hospitals, doctors, patients and health funds all of which are inter-related to some degree. To fully reflect these inter-relations, the Commission reached the view that there were six main markets potentially affected by the application:

- hospital services to patients;
- hospital facilities and services to doctors;
- medical services to patients by doctors;
- heath insurance services to the general public;
- private hospital services to health insurers (HPPAs); and
- private medical services to health insurers (MPPAs).

Even though it accepted that each of the above markets was relevant to the application, the Commission considered that, given the nature of the conduct for which authorisation is sought, the two most relevant were the provision of hospital services to patients (hospital-patient market) and the provision of private hospital services to health insurers (private hospital-health insurer market).

On the basis of this delineation of relevant markets, the Commission analysed the likely effect the proposed conduct would have on competition. It concluded that there are no competition issues for the three regional hospitals relative to each other and the Brisbane-based hospitals in the hospital-patient market as they operate in geographically separate markets. However, given their geographic proximity, the Commission considered that the proposed IHA has the potential to raise competition issues in relation to the two Brisbane-based hospitals.

In the hospital-patient market, the Commission estimated that the two Brisbane-based hospitals' aggregate market share is less than 11 per cent.

In the private hospital-health insurer market the Commission estimates the two Brisbane hospitals' aggregate market share, at most, between 23 and 26 per cent. The Commission notes that according to the proposed Inter-Hospital Agreement, even though the applicants propose to share certain aggregated market information, they will negotiate with health funds separately and will not engage in any collective action such as a group boycott. Thus the agreement itself limits any exercise of market power that may arise from the operation of the agreement.

The Commission does not consider, on balance, that the proposed conduct would result in a substantial lessening of competition in either the hospital-patient or the private hospital-health insurer market.

Of the public benefits claimed by the applicants, the Commission considered there are likely to be some efficiency gains arising from operation of the agreement and that this represents a public benefit. These efficiency gains may make the applicants more competitive in the market and even result in enhanced competition overall. The Commission accepts that the applicants will enhance their negotiating position through implementation of the IHA and that for MBF and Medibank Private this also represents a public benefit. The Commission concluded there may be some efficiency gains in using a common agent to negotiate HPPAs, but that these efficiencies could be achieved and are likely to be able to be achieved without entering into the IHA.

The Commission concludes that in all circumstances the proposed conduct would be likely to result in a benefit to the public that would outweigh the detriment to the public constituted by any lessening of competition likely to result from the conduct.

The Commission is concerned, however, that elements of the proposed agreement are relatively open ended and is not prepared to authorise the IHA in its current form. The current agreement provides for actions such as adding network members and changing the common agents functions which the Commission believes, if authorised, would give rise to the possibility of the public benefits being negated. It believes that a number of conditions should be placed on the authorisation to ensure the overall balance of public benefit and detriment is not changed.

The Commission therefore proposes, subject to any application for review to the Australian Competition Tribunal, to grant authorisation to the proposed IHA subject to the following conditions.

- Clauses 3.2 to 3.4, permitting the addition of other hospitals to the network, are not authorised. If the network wishes to admit new members it may apply for a variation to the authorisation pursuant to s. 91A or s. 91C of the Act.
- The agreement is authorised for three years only.
- The safeguards relating to the exchange of information as expressed in the supporting submission to the application (and varied as agreed according to suggestions made in the Commission's draft determination) are to be included within the Inter-Hospital Agreement.
- In relation to information on prices agreed under HPPAs, the common agent may only distribute data that has been averaged across the hospitals providing that particular service and not 'best practice' data.
- No information relating to current negotiations between a health fund and a network member may be exchanged. Further, only information relating to past negotiations with MBF and Medibank Private is to be exchanged between the applicant hospitals.
- Statements explaining the intended operation of the common agent provisions of the agreement as outlined in the supporting submission to the application are to be included within the Inter-Hospital Agreement.
- The Network Committee may not alter the functions of the common agent under

clause 4.2.4 in regard to his/her role in negotiating HPPAs.

- A revised network agreement altered according to the conditions above is to be provided to the Commission within three months of the date of authorisation.

On 1 September the Commission issued a final determination authorising the Inter-Hospital Agreement.

Notifications

Notifications considered

Commex Pty Ltd (N90679) (Allowed to stand)

Offer to customers who acquire electricity from Powercor of a 10 per cent discount on telecommunications services.

Optus Mobile Pty Ltd
Optus Internet Pty Ltd (N90677–78) (Allowed to stand)

Optus proposes to offer to members of the Hospital Benefit fund of WA Inc and HBF Insurance Pty Ltd mobile telephone services and/or products supplied by Optus Mobile at a discount allowance rebate or credit.

Fusion Cards Ltd (N30846) (Allowed to stand)

Proposal to offer mastercard credit card services and related services only to persons who are members of those credit unions that participate in the funding of Fusion Cards.

BP Suncity (N90680) (Allowed to stand)

Supply of petrol on discount to customers on the condition that the customer acquire goods from participating stores (third line forcing).

Ocean Master Australia Pty Ltd (N30819) (Allowed to stand)

The franchisor has entered into a franchise agreement with a number of franchisees. Clauses in the franchise agreement require franchisee to purchase specific types of food, equipment, nametags and uniform etc. from specific suppliers (third line forcing).

BP Endeavour Petroleum (N90685) (Allowed to stand)

Supply of petrol on condition customers purchase groceries from participating stores (third line forcing).

Westpac Banking Corporation (N30847) (Allowed to stand)

Proposed offer of discount from the standard establishment fee for certain new housing and investment property loans (third line forcing).

Toyota Finance Australia Ltd (N30868) (Allowed to stand)

Offer to customers who purchase Toyota vehicles using TFA Finance of certain promotional discounts, allowances, rebates towards the purchase of certain goods on services from TFA, TMCA, Toyota dealers or other nominated third parties (third line forcing).

Myer Stores Ltd (N90681) (Allowed to stand)

Proposed supply of personal computer at a discount on condition purchaser acquires internet services from Optus (third line forcing).

State Bank of New South Wales Ltd
Colonial First State Property Ltd
Colonial First State Investment Managers (Aust) Ltd
Colonial Stockbroking Ltd
The Colonial Mutual Life Assurance Society Ltd
Colonial Mutual Funds Ltd
Colonial Financial Services
Colonial First State Investments Group Ltd
Colonial Financial Management Ltd
Jacques Martin
Jacques Martin Administration and Consulting
Colonial Financial Corporation Ltd
Colonial Mutual Superannuation
Colonial Portfolio Services Ltd
Colonial Superannuation Services Ltd
Colonial Australian Superannuation Ltd
Colonial Mutual General Insurance Company Ltd
CIC Insurance Ltd
HIH Casualty and General Insurance Ltd (N30849–30867) (Allowed to stand)

Offering discounts by a member of the Colonial Group on condition customers acquire another product from other members of the Colonial Group (third line forcing).

Optus Internet Pty Ltd (N30869) (Allowed to stand)

Supply of internet access at a discount price on condition they purchase a personal computer from Myers stores with or without personal finance from GE Australia (third line forcing).

Credit Union Services Corporation Ltd (N90687) (Allowed to stand)

Supply of banking services on condition that a credit union becomes a member of new company CUFSS (third line forcing).

Mackay Permanent Building Society Ltd (N90686) (Allowed to stand)

Offers to supply leading facilities to its borrowers on condition the borrowers take out householders insurance cover over the security property with an insurance company that has entered into a concession agreement with Mackay Permanent (third line forcing).

Australian Postal Corporation (N90637) (Allowed to stand)

Australia Post (Post) offer discounts to bulk mail customers on condition that those customers purchase Post approved bulk mail software from third party software developers or develop their own Post approved software (third line forcing).

Upper Hunter Credit Union Ltd (N90655) (Allowed to stand)

Offer of discounted interest rates and discounted general insurance products on condition that customer acquired consumer credit insurance from a nominated insurer.

Retiever Communications Australia Pty Ltd (N30848) (Allowed to stand)

Proposed offer of software and support service in connection with Optus GSM services on condition customer acquires GSM services from Optus (third line forcing).

Australian Hot Water & Stove Services (Campbelltown Pty Ltd)
Integral Energy Gas Pty Ltd (N90683–84) (Allowed to stand)

Supply of discounted natural gas appliances and bottled gas connections services to customers on condition they acquire bottled gas from Integral Energy (third line forcing).

Optus Internet Pty Ltd (N90682) (Allowed to stand)

Proposed offer of a discount on internet services to persons who purchase Compaq Presario Computer and operating systems from Compaq Computer Australia (third line forcing).

AHL Projects Pty Ltd (N40340) (Allowed to stand)

Sale of a lot to a consumer being subject to the purchaser entering into a building contract with a specified builder (third line forcing).

MLC Limited
MLC Investment Ltd
MLC Nominees Pty Ltd (N90689–90690) (Allowed to stand)

Offering to provide a product at a discount on condition customer purchase another product from another MLC entity (third line forcing).

Aricow Pty Ltd (N90696) (Allowed to stand)

Sale of petrol at discounted price if goods are purchased from Franklins Fresh Innisfail.

Australian Fuel Distributors Pty Ltd (N90694) (Allowed to stand)

Sale of petrol at discounted price if goods are purchased from Bi Lo Supermarkets.

Investment Club (N70081) (Allowed to stand)

Agreement of persons giving the notice to require all purchasers of lots within the land to execute a building contract with Pindan Constructions (third line forcing).

BIAWA (N70079) (Allowed to stand)

Proposing to offer additional boat show organisation and promotion services to exhibitors participating in the boat show on condition that exhibitors negotiate with BIAWA (third line forcing).

Bank of Western Australia Ltd (N90692) (Allowed to stand)

To customers who take out a home loan, the number of points may also be awarded

periodically based on the outstanding home loan balance (third line forcing).

Bank of Western Australia Ltd (N90693) (Allowed to stand)

The bank proposes to introduce to its business customers a financed and managed vehicle fleet lease product (third line forcing).

National Australia Bank Ltd (N40350) (Allowed to stand)

Proposed to offer a discount on Internet services and products supplied by Optus Internet to National Visa Gold Card holders and National Gold Master Card holders (third line forcing).

National Australia Bank Ltd (N40349) (Allowed to stand)

Proposes to offer a discount on Optus Mobile products to National Visa Gold Card holders who purchase an Optus Express prepaid product from Optus Mobile Pty Ltd (third line forcing).

BP Australia Ltd (N90707) (Allowed to stand)

Offering a discount on petrol to customers who acquire goods from participating stores (third line forcing).

RACQ–GIO Insurance (N90710)

Offering shareholders in GIO Holding a 7.5 per cent discount off selected insurance policies issued by RACQ-GIO Insurance Ltd (third line forcing).

Optus Mobile Pty Ltd (N90708) (Allowed to stand)

Proposes to offer to NAB members an Optus Express prepaid product at a discount — purchasers may be required to pay using their NAB Visa Gold Card National Gold Master Card (third line forcing).

Chiropractors Association of Australia (N90698–90706) (Allowed to stand)

Requirement to join both a State branch and the National branch (third line forcing).

Optus Internet Pty Ltd (N90709) (Allowed to stand)

Proposes to offer NAB members Internet services and product supplied by Optus Internet at a discount, purchasers may be required to pay using their NAB Visa Gold Card or NAB Gold Master Card.

Northern Territory Fuels Pty Ltd (N90711) (Allowed to stand)

Supply of petrol at a discount on condition customer has purchased goods from participating stores (third line forcing).

Mid West Petroleum (N90712) (Allowed to stand)

Supply of petrol on condition to customers who purchase groceries from participating stores (third line forcing).

Petro Fuel Pty Ltd (N90715) (Allowed to stand)

Offering a discount on petrol to customers on condition they purchase groceries from Franklins (third line forcing).