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# 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 if the Commission is satisfied that the practice delivers offsetting public benefits.*

## Determinations

The full report of the following determination can be obtained from the ACCC website at: <<http://www.accc.gov.au>>.

### CSR Limited

*In relation to the rostering provisions which establish the system for the distribution of CSR's cartage work among its carriers in WA (A90769)*

- Draft determination issued 6 November 2002
- Final determination issued 3 February 2003

The Commission will allow CSR Limited and its Western Australian independent concrete carriers to agree to a concrete cartage job allocation system.

The Commission has found the public benefits gained from the allocation system are likely to outweigh the anti-competitive detriment. In a final determination, it has granted authorisation to the arrangement for five years.

In particular, the Commission believes the possible anti-competitive effect of the arrangement is reduced as it is not industry-wide, only applying between CSR and its Western Australian independent concrete carriers.

The Commission also concluded that the arrangement is likely to result in reduced costs and improved efficiencies. In the circumstances presented, the arrangement should result in improved industrial harmony between CSR and its independent concrete carriers.

## Bidding and rebidding rules—National Electricity Code

*In relation to the generator bidding and rebidding strategies and their effect on prices (A90797–9)*

- Draft determination issued 24 June 2002
- Final determination issued 4 December 2002

(See 'Regulatory issues' in *Journal 43* for details of this determination)

## Notifications finalised

*The following notifications have been allowed to stand.*

**Diners Club Pty Ltd and Citicorp Investments Ltd** (N31208–9) Offer of services on condition consumer acquires a financial product issued by a third party.

**Tip Top Dry Cleaners Pty Ltd** (N91507) Discounted fuel offered for proof of purchase from participating Foodland stores.

**Caltex Australia Petroleum Pty Ltd** (N31205) Rebates offered to GE Capital Fleet Services Australia Pty Ltd on requesting issue of Caltex Fuel Cards to clients and employees of GE.

**International Management Group of America Pty Ltd** (N31204) Discount offered if MasterCard is used to acquire merchandising products at MasterCard Masters Golf Tournament.

**Synergy Capital Management Limited and Challenger Manager Investments Limited** (N40543–4) Offer to supply a product on condition a product is acquired from the other party—reciprocal arrangement.

**Sydney Futures Exchange Limited and SFE Clearing Corporation Pty Limited** (N91050) Clearing and settlement services provided by facility participants.

**Citibank Pty Ltd** (N30870) Discount offered to customers who acquire a financial product from nominated suppliers.

**Mooloolaba Yacht Club Marina Pty Ltd**

(N91007) Requirement that berth lease holders are members of the Mooloolaba Yacht Club.

**Golf Marketing International Pty Ltd (N31207)**

Free copy of book *The Sandbelt—Melbourne's Golfing Heaven* for customers who use MasterCard to make bookings.

**Citicorp Investments Ltd (N31209)** Provision of services on condition consumer acquires a financial product issued by a third party.

**RACV Sales and Marketing Pty Ltd (N40547)**

Discounted travel insurance for members of Royal Automobile Club of Victoria (RACV) Ltd.

**Sanford Securities Limited (N91060)** Supply of stockbroking and investment services on condition clients lodge the relevant funds with specified financial institutions.

**L J Hooker Limited (N91062)** Connection of gas, electricity and telephone on behalf of tenants.

**ANZ Rewards No 2 Pty Ltd (N40548)** Offer to waiver annual fees to consumers who apply for certain credit cards.

**Arnott's SPB Ltd & Arnott's S&F Pty Ltd**

(N31212–13) Offering a rebate on snack products on condition that school canteens participating in the joint promotion offer for sale both Arnott's snack products and ice creams from Streets Ice Cream (the 'Combo Deal').

**Merrill Lynch HSBC Australia Pty Ltd**

(N91061) Offer of broking services on condition customers operate a settlement account with HSBC.

**George Weston Foods Limited, Amare Safety Pty Ltd, BOC Limited (N91067–69)** Offer to supply cleaning and safety systems on condition that customers subscribe to the 'Pubsafe' program.

**2002 World Cup Women's Hockey Ltd**

(N91024) Awarding of exclusive rights to various sponsors for the Women's World Cup Hockey 2003.