
Adjudication

Authorisations

A key objective of the Trade Practices Act 1974 (the Act) is to prevent anti-competitive arrangements or conduct, thereby encouraging competition and efficiency in business, resulting in greater choice for consumers in price, quality and service.

The Act, however, allows the ACCC to grant immunity from legal action for anti-competitive conduct in certain circumstances. One way businesses may obtain immunity is to apply for what is known as an 'authorisation' from the ACCC. Broadly, the ACCC may 'authorise' businesses to engage in anti-competitive arrangements or conduct where it is satisfied that the public benefit from the arrangements or conduct outweighs any public detriment.

The ACCC conducts a comprehensive public consultation process before making a draft decision and ultimately a final decision to grant or deny authorisation.

Determinations

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

Medicines Australia Inc (A90779-80)

Application for authorisation of code of conduct for pharmaceutical manufacturers

14.11.03 Final determination issued.

On 14 February 2001 the Australian Pharmaceutical Manufacturers Association (APMA) sought authorisation for the 13th edition of its Code of Conduct for Pharmaceutical Manufacturers (the code).

APMA is now known as Medicines Australia. On 16 January 2003 Medicines Australia lodged an amended application seeking authorisation for the 14th edition of the code.

The code seeks to regulate the promotion of prescription medicines by pharmaceutical

companies. It can be broadly divided into two categories:

- regulating information by pharmaceutical companies about prescription medicines to health care professionals and the public
- regulating benefits (financial and otherwise) to health care professionals by pharmaceutical companies.

The ACCC considers that the sections of the code regulating information to healthcare professionals about prescription medicines generate a small public benefit by supplementing the provisions in the Act prohibiting false and misleading representations.

Regarding the benefits to healthcare professionals, the ACCC concludes that without the code some pharmaceutical companies are likely to offer benefits to healthcare professionals that are banned by the code and that this would lead to inappropriate prescribing by at least some healthcare professionals.

Having said this, the ACCC considers that evidence available to it does not make clear the actual extent of inappropriate prescribing and therefore the size of the corresponding potential public benefit. However, given the likely consequences of inappropriate prescribing for consumers, the ACCC considers it prudent, for the purposes of assessing this application, to err on the side of caution—that is, to recognise a greater potential for inappropriate prescribing than might actually be the case. On these limited grounds, the ACCC concludes that the code potentially generates a not insignificant public benefit.

However, the ACCC remains concerned about the enforcement of the code. In practice, it considers that only a small public benefit arises. At the same time, the ACCC considers that the code generates only minimal anti-competitive detriment.

Where the public benefit and detriment are of similar sizes, as is the case here, some uncertainty inevitably arises about whether the public benefit actually exceeds the detriment. In such situations, the ACCC will generally not be satisfied that authorisation should be granted unless conditions can be imposed that substantially remove the

uncertainty. This is what the ACCC has done about Medicine Australia's application for authorisation.

These conditions are as follows:

- that, each year, the codes of conduct monitoring committee conducts surveys of the provision of benefits to doctors during a random three-month period, and publishes the results of those surveys
- that Medicines Australia publish full details of all breaches of the code on its website
- that any amendments to the guidelines accompanying the code are provided to the ACCC on an annual basis.

The ACCC grants authorisation to the code, subject to the conditions outlined above, for three years.

Investment and Financial Services Association (A90857, A90869)

Application for re-authorisation of certain clauses of IFSA's genetic testing policy

8.10.03 Draft determination issued.

3.12.03 Final determination issued.

On 25.11.02 the Investment and Financial Services Association (IFSA) lodged two applications for the revocation and substitution of authorisations A30200 and A30201 under s. 91C of the Act. IFSA sought re-authorisation for clauses 10.1 and 10.3 of its standard no.11 genetic testing policy.

These clauses provide for an agreement between IFSA members that they will not require applicants for life insurance to undergo any genetic tests and will not induce applicants to undergo such testing by offering individuals insurance at a lower than standard premium rate.

Clauses 10.1 and 10.3 substantially mirror clauses 2 and 4 of IFSA's draft genetic testing policy which were previously authorised by the ACCC in November 2000 for a period of two years.

At the time of granting authorisation in 2000, the ACCC considered that there was a public benefit in avoiding insurer initiated coercion to undertake genetic testing. The ACCC considered that there was a public benefit in an orderly and detailed evaluation and debate concerning the regulatory safeguards that are appropriate in this area and welcomed the proposed inquiry into human genetic information.

The inquiry conducted by the Australian Law Reform ACCC, the Australian Health Ethics

Committee and the National Health and Medical Research Council released a final report titled *Essentially yours: the protection of human genetic information in Australia* on 29 May 2003.

The Australian Government is currently considering the findings of the inquiry and has not made a public response to the recommendations made in the final report.

To grant authorisation the ACCC must be satisfied that the public benefit likely to result from an arrangement will outweigh the public detriment, including the anti-competitive detriment.

The ACCC considers it likely that clauses 10.1 and 10.3 will result in some anti-competitive detriment as they prevent life insurers from offering differentiated premiums to consumers. In particular, consumers who have a 'good genetic profile' will be unable to obtain lower priced premiums. In contrast, consumers that may have a family history that indicates a possible genetic pre-disposition to a disease are likely to obtain lower priced life insurance premiums, in the absence of life insurers initiating genetic tests. The lack of differentiation is likely to result in life insurers offering slightly higher premiums if they are unable to initiate genetic tests.

The ACCC notes that IFSA's genetic testing policy does not prohibit the use of existing genetic tests by life insurers. Clauses 10.1 and 10.3 provide that insurers will not initiate genetic tests and will not use genetic tests as a basis of 'preferred risk underwriting'. Further life insurers already have access to general health information and family medical history in underwriting an application for life insurance.

Overall the ACCC considers that the public benefits flowing from the arrangements are likely to outweigh the anti-competitive detriment. It therefore grants authorisation to IFSA and its members for a period of two years. This will enable the Australian Government to consider its response to the recommendations by the inquiry and should permit sufficient time for the implementation of appropriate self-regulatory or legislative mechanisms.

EFTPOS (A30224-5)

Application for authorisation in relation to a collective agreement among card issuing institutions and merchant acquiring institutions to set the interchange or wholesale fees for EFTPOS transactions to zero.

11.12.03 Final determination issued.

EFTPOS (Electronic Funds Transfer at Point of Sale) provides consumers with an electronic means of payment for goods and services at the point of sale. EFTPOS transactions are facilitated by a debit card issued by the cardholder's financial institution and linked to a transaction account. In general terms, when the cardholder makes a purchase and enters a PIN the relevant data are transmitted over a secure electronic network to the merchant's financial institution. The purchase details are checked against the cardholder's account and an authorisation or decline message is returned to the merchant. Typically this process is completed within a few seconds.

In Australia each month approximately 63.8 million EFTPOS transactions are processed at a value of \$4 billion. This compares with approximately 80.6 million credit card transactions per month at a value of \$9 billion. The significance of both debit and credit cards in Australia's retail payments system has meant that they have both come under increasing scrutiny from network participants and industry regulators who have an interest in ensuring the overall efficiency of Australia's payments system. In this regard the Reserve Bank of Australia (RBA) has 'designated' the four-party credit card schemes as payments systems subject to its regulation and has introduced a package of reforms that establish a standard for the setting of interchange fees, a standard for merchant pricing of credit card purchases and a regime for access to the four party credit card schemes.

Customers who hold and use debit cards and merchants that accept the cards as a means of payment generally pay fees to their financial institutions for the card services they receive. Less well-known and transparent are the wholesale or interchange fees paid by the cardholder's financial institution (card issuer) to the merchant's financial institution (merchant acquirer) for each debit card transaction. Currently these fees are set by bilateral negotiations between card issuers and merchant acquirers and on an aggregate basis amount to approximately \$150 million per annum.

The applicants¹ sought authorisation for a proposed agreement to collectively set the interchange fee for EFTPOS transactions at zero. In this way the proposed agreement may constitute a breach of the provisions of the Act which prohibit the fixing of prices. The applicants also propose to use 'reasonable endeavours' to amend existing contracts that are inconsistent with the zero interchange fee, this conduct may give rise to an exclusionary provision or primary boycott in breach of the Act.

The applicants claim that the proposed agreement will not lessen competition, and instead it is likely to facilitate a more competitive outcome by making it easier for the interchange fees to be amended in response to changing market conditions. Further, the applicants consider that the proposed agreement is more likely to reduce the barriers to direct entry into the debit card system as a card issuer or merchant acquirer by narrowing the scope and cost of the negotiations necessary to facilitate new entry.

The applicants submit, however, that broad reform to improve the ability of potential entrants to join the EFTPOS network is beyond the scope of these applications for authorisation and that access issues would be more appropriately addressed in a separate authorisation application currently before the ACCC in respect of the technical rules and procedural standards for the clearing and settlement of EFTPOS and ATM transactions.²

The ACCC considers that reform of the EFTPOS network, including interchange fees, is necessary to encourage competition and efficiency. In turn this will contribute to the overall efficiency of Australia's payments system. The ACCC notes that reforms to achieve this aim have recently been implemented in relation to credit cards. In particular the reform process for credit cards has been considered and implemented by the RBA as a package that is

¹ Australia and New Zealand Banking Group, Australian Settlements Ltd, Bank of Queensland, Bank of Western Australia Ltd, Bendigo Bank, Cashcard Australia Ltd, Commonwealth Bank of Australia, Credit Union Services Corporation (Australia) Ltd, National Australia Bank, St. George Bank Ltd, Suncorp Metway Limited, Westpac Banking Corporation (the Applicants) lodged applications for authorisation A30224 and A30225 on 21 February 2003.

² Australian Payments Clearing Association (APCA) applications for revocation and substitution A30228 and A30229 in relation to Consumer Electronic Clearing System (CECS) rules and regulations.

intended to address access, interchange fees and pricing transparency. In the draft determination released by the ACCC in relation to these applications for authorisation the ACCC noted with concern that the applicants' proposal addressed only one element of reform, that is, EFTPOS interchange fees. The ACCC considered that, in the absence of a suitable commitment to access reform, the public benefits likely to flow from the proposed agreement were not sufficient to outweigh the likely detriment.

In the draft determination the ACCC indicated that suitable access reform may change the balance of benefits and detriments such that it may be able to authorise the proposed agreement. To facilitate discussion of access reform and, in light of a submission provided by the RBA setting out a number of basic principles for developing a framework for fair and open access to the EFTPOS network, the ACCC encouraged the applicants and interested parties to further their considerations of access reform and invited submissions responding to the RBA's principles of access reform.

Following the draft determination the APCA advised that it is developing practicable and equitable access rules as a priority. The RBA made a submission that it

... strongly supports efforts by the APCA to establish a regime that will facilitate access to the EFTPOS network by new issuers and acquirers. The Bank is nevertheless watching progress closely and, were it to falter, would seriously consider, in the interests of promoting efficiency and competition in the Australian payments system, designating the EFTPOS system under Section 11 of the Payments System (Regulation) Act with a view to imposing an access regime under section 12 of the Act.

In light of these submissions, the ACCC was satisfied that access reform will occur in the short to medium term and the ACCC was able to attach a lesser weight to the anti-competitive detriments that may otherwise have arisen as a result of the proposed agreement.

Consequently, following consideration of the submissions by the applicants and interested parties, and the information before it, the ACCC concludes that the public benefits likely to result from the proposed agreement will outweigh the anti-competitive detriment.

The ACCC granted authorisation until 31 December 2006 to the interchange fee proposal.

An application for review of this determination was lodged with the Australian Competition Tribunal in

late December 2003 and will be heard in the coming months. Because of this, the ACCC's determination has not come into effect.

David Jones Limited (A30230)

Application seeking authorisation for retail brand management businesses (commonly known as concession businesses) operating within David Jones stores to participate in promotions such as storewide or department-wide discounts at the invitation of David Jones.

19.11.03 Draft determination issued.

17.12.03 Final determination issued.

On 19 August 2003 David Jones Limited lodged an application with the ACCC. The application was made under subs. 88(1) of the Act for authorisation to make and give effect to a contract, arrangement or understanding that could substantially lessen competition within the meaning of s. 45 of the Act.

The application specifically seeks authorisation for retail brand management businesses (commonly known as concession businesses) operating within David Jones stores to participate in promotions such as storewide or department-wide discounts at the invitation of David Jones.

The application was expressed as applying to all current and future David Jones concession businesses under s. 88 (10) of the Act. The application was also expressed as being about other agreements in similar terms under s. 88 (13) of the Act.

On 19 November 2003 the ACCC issued a draft decision proposing to grant authorisation to the application for a period of five years.

The ACCC informed interested parties that they could request a pre-decision conference or make further submissions to discuss the operation and effect of the draft decision. No conference was requested and no submissions were received.

The ACCC considers that any agreement between David Jones and its concession businesses on the promotional benefits offered to customers (be it a percentage discount on price or other promotional activity) has the potential to result in some lessening of competition. However, the ACCC considers that the proposed arrangements will not, in practice; result in any significant public detriment. In particular, the ACCC notes that:

- it is only the amount of any discount (price or otherwise) to be offered that is the subject of

any proposed agreement. The arrangements do not allow for any agreement on price or other terms and conditions more generally

- concession businesses are not forced to participate, but will be able to choose to accept David Jones' invitation on a promotion-by-promotion basis
- concession businesses remain free to run their own promotions, including discounts, independently of David Jones.

The ACCC also considers that the proposed arrangements are likely to increase competition regarding promotional benefits between David Jones and its competitors.

With regard to public benefits, the ACCC considers that the proposed arrangements are likely to provide consumers with a broader range of discounts and other benefits across Australia. The ACCC considers that this constitutes a benefit to the public. The ACCC also considers that to the extent that the proposed arrangements reduce the number of exclusions that attach to David Jones promotions, an additional small public benefit is generated.

The ACCC grants authorisation to this application.

The ACCC extends the interim authorisation previously granted until the ACCC's final decision comes into effect.

The Showmen's Guild of Australasia (A90729)

Application for authorisation of code of conduct.

17.12.03 Final determination issued.

On 25 February 2000 the Showmen's Guild of Australasia lodged an application for authorisation with the ACCC for its code of conduct. The application was made under subs. 88(1) of the Act for authorisation to contracts, arrangements or understandings which could substantially lessen competition within the meaning of s. 45 of the Act.

The guild submits that the code is intended to set out standards for the behaviour and safety of showmen, promote consumer interests and foster a positive public image of the industry. It is designed for people and companies engaged in providing sideshow entertainment as 'showmen'. Acceptance and observance of the code is a condition of membership of the guild. Authorisation was requested for a period of 10 years.

On 20 December 2001 the ACCC issued a draft determination, proposing to grant authorisation to the code of conduct for a period of five years subject to a number of conditions.

On 15 April 2002 the ACCC received an amendment to the application to include authorisation of the guild's rules and also to allow collective negotiation by the guild on behalf of its members with show societies that operate guild preferred agricultural shows. The changes essentially constituted a new application for different conduct, and the ACCC was obliged to recommence its consultation process. The ACCC sought further submissions from interested parties before issuing a second draft determination (revised draft).

In assessing this application, the ACCC identified two related and relevant areas of competition between showmen. They are competition between showmen to:

- attract the custom of consumers who attend agricultural shows (supply of amusements)
- attend agricultural shows (acquisition of show space).

The ACCC considers that there is a limited degree of competition between the providers of sideshow amusements and that this limited level of competition is partly because of certain provisions of the code and the rules which are likely to create additional barriers to entry. The ACCC also notes that the guild, as a collective group, is likely to have significant bargaining power vis-à-vis small show societies that are often staffed by community volunteers.

The ACCC accepts that the operation of the guild, which administers the code, the rules and certain collective bargaining arrangements, is likely to produce some benefits to the public. In particular:

- assisting small show societies in organising their sideshow area and therefore in attracting showmen to their shows. This in turn is likely to provide economic and social benefits to rural communities and produce some benefits to the public
- many small show societies may not have extensive commercial experience and may not have sufficient time or other resources available to negotiate individually with a potentially large number of showmen. For many small show societies the guild plays an important role in conducting negotiations on behalf of its members and that this reduces transaction costs

for show societies and to some extent for showmen.

The ACCC believes that although the ground allocation scheme raises serious issues, provided certain conditions are met, the anti-competitive detriment arising from these arrangements will be reduced to the extent that there will be a net public benefit.

In the revised draft the ACCC considered that apart from the proposed amendment to the rules relating to membership, the rules generally encouraged benign conduct and therefore did not raise significant competition issues.

The ACCC considers that the collective bargaining arrangements conducted by the guild are likely to have a detrimental effect on competition between otherwise independent showmen. Of particular concern to the ACCC is the practice of collective negotiations conducted by the guild relating to the amount of rent payable by guild members to show societies. Such a process may distort the ordinary competitive process between showmen.

Having assessed the public benefits and anti-competitive detriments likely to arise from the proposed arrangements, the ACCC concludes that the public benefits outweigh the anti-competitive detriment and proposes to address its concerns by imposing conditions on the authorisation.

The conditions in this case require the guild to make a number of amendments to the code and rules. The conditions have also been imposed regarding collective negotiation to ensure that this process is voluntary and does not restrict show societies from negotiating with individual showmen should they choose to do so.

The ACCC grants authorisation to this application for a period of five years subject to the conditions outlined in section 11 of this determination.

Notifications finalised

The following notifications have been allowed to stand.

Optus Mobile Pty Limited (N91150) offering to supply credit card software and devices on condition the customer acquires mobile telecommunication services from Optus Mobile.

St Kilda Football Club (N31258) offering a signed club jumper to customers on condition they acquire or agree to acquire telecommunications services from Telstra.

Emap Australia Pty Ltd (N31248) in relation to an arrangement with Liquorland and Carlton United Breweries (CUB) whereby customers buying an FHM Magazine receive two coupons.

One entitles customers to buy a discounted carton of Carlton Premium Dry upon presentation at a Liquorland outlet. The other coupon entitles customers to a free bottle of Carlton Premium dry upon presentation at a liquorland outlet.

Carlton & United Breweries Ltd (N31247) offering Liquorland customers one free bottle of Carlton Premium Dry and a discounted carton of Carlton Premium Dry on presentation of coupons obtained when buying an FHM magazine.

McWilliam's Wines Pty Limited (N91294) in relation to an arrangement with Liquorland Australia and Liquorland Qld (trading as Vintage Cellars) whereby consumers buying a Marie Claire magazine receive two coupons. One entitles customers to a free bottle of Henkell Trocken Piccolo, the other entitles customers to buy a discounted 3-pack of Henkell Trocken Piccolo from any Vintage Cellars store.

RACV Sales and Marketing Pty Ltd (N40608) offering to partially or fully reimburse customers of its 'comprehensive or pre-purchase motor vehicle inspection products' for the cost of mechanical repairs in specified situations on condition that customers are members of the Royal Automobile Club of Victoria Limited.

Honda Australia Motorcycle and Power Equipment Pty Ltd (N40557) describing an agreement for Australian dealers not to deal in Copy Products.

DFA Australia Limited (N31227) in relation to the sale of instructional occupational health and safety compliance programs to members of particular hospitality industry associations.

Heritage Management Limited (N70361) in relation to the discount on administration fees to members of HML superannuation fund and/or the OneSource Investment Trust if the member has an account with nominated providers.

ALH Group Pty Ltd (N91136) in relation to the sale of instructional occupational health and safety compliance programs to members of particular hospitality industry associations.

Stihl Pty Ltd (N40607) in relation to the supply of Stihl Products to dealers on the condition they participate in the 'Imaging Program' in accordance

with the imaging guidelines (imaged dealers) and do not acquire any competing product ranges for promotion resale within their businesses.

Mirvac Queensland Pty Limited (N91281) offering to buy vacant land in 'Mossvale on Manly' development on condition the buyer enters into a building contract with Mirvac Homes for construction of a dwelling upon the land.

Westralia Airports Corporation Pty Ltd (N70374) offering of a contract for the construction and operation of a baggage handling and checked bag screening facility at Perth airport on the condition the successful proponent enters into various contracts for the provision of specialist goods or services.

Liquorland (Australia) Pty Ltd and Liquorland (Qld) Pty Ltd (N91297-8) offering of a free bottle of Carlton Draught or Victoria Bitter to customers presenting a coaster acquired from an FHM magazine.

Zurich Australian Insurance Limited (N31260) offering of a discount of approximately 5 per cent off the standard taxi CTP premium level in NSW on condition the customer also acquires taxi comprehensive motor coverage with ZAIL for the same NSW taxi plate.

The offer would be communicated to potential customers through an initial formal briefing with designated taxi intermediaries (brokers) in NSW and advertisements appearing in the two leading NSW taxi industry publications. An insert explaining the proposed offer would also accompany all CTP renewal notices delivered to existing policy holders.

Australia and New Zealand Banking Group Limited (N40620) offering of 500 bonus points to certain existing ANZ First, ANZ Gold, Telstra Visa, Telstra Visa Gold, Qantas ANZ Visa, and Qantas ANZ Visa Gold credit card customers on condition they buy either of the following combinations of 'additional benefits':

- 'ANZ Auto Assist' (issued by Assist Australia Pty Ltd and QBE Insurance (Australia) Limited trading as Western QBE Insurance) and 'ANZ eDine' (provided by Entertainment Publications of Australia Pty Ltd)
- 'Credit Card Sentinel' (provided by Credit Card Sentinel Pty Ltd) and 'ANZ CreditCover' (issued by ANZ Life Assurance Company Limited and ANZ General Insurance Pty Ltd).

Australian Unity Health Limited (N91306) offering to Collingwood Football Club (CFC) members not currently insured with AUHL, of a \$50 CFC merchandise voucher when they buy a new health insurance policy with AUHL.

NZI Insurance Australia Ltd, Insurance Manufacturers of Australia Pty Ltd, SGIO Insurance Limited and SGIC General Insurance Ltd, CGU-VACC Insurance Ltd, CGU Insurance Ltd (N31249, N91974-9) in relation to the recommendation to policy holders that they use preferred accident towing operators to tow their vehicles.

GE Capital Finance Australia (A40606) offering of a co-branded credit card with the ability to accrue loyalty points on the condition that the applicant also acquires a membership in the relevant loyalty program from the operator of that program, Coles Myer Ltd.

Coles Supermarkets Australia Pty Ltd, Kmart Australia Ltd, Liquorland (Australia) Pty Ltd, Myer Stores Ltd, Target Australia Pty Ltd, Viking Office Products Pty Ltd, Fosseys (Australia) Pty Ltd, Officeworks Superstores Pty Ltd, Liquorland (Qld) Pty Ltd, Coles Myer Limited, Liquorland Direct Pty Ltd, Newmart Pty Ltd, Coles Online Pty Ltd, Eureka Operations Pty Ltd, Katies Fashions (Aust) Pty Ltd, ht.com.au Pty Ltd, Charlie Carter (Norwest) Pty Ltd, Tyremaster (Wholesale) Pty Ltd (N91193-272) in relation to:

- supply of loyalty program services to members of the public on condition they acquire a relevant credit card and related services from GE Capital Finance Australia
- supply of loyalty program services to members of the public on condition they become members of the FlyBuys program operated by Loyalty Pacific
- supply of bonus loyalty points on condition they acquire qualifying goods or services from other parties
- supply of additional benefits including gift and discount vouchers on condition they acquire qualifying goods or services from other parties.

Australia and New Zealand Banking Group Limited (N40613) offering employees a rebate on the first year's annual fee on condition they use their ANZ Low Rate MasterCard to buy a Dell computer from Dell Computer Pty Limited.

TransACT Capital Communications Pty Ltd (N91299) offering of a rebate to consumers on condition that they acquire TransSELECT GOLD from TransACT as well as certain services from ActewAGL, being electricity, gas or NetConnect Dial-Up, for a fixed term of 24 months.

Optus Internet Pty Ltd (N31262) offering of a discount on Sony PlayStation Online Games to customers who use or will use Optus internet services or products on the condition they acquire the Sony PlayStation Online Games from an Electronics Boutique outlet.

Perpetual Trustees Australia Ltd (N31264) offering the ME Ultimate Account with a Bpay facility on condition that customers open a bank account with Members Equity Pty Ltd from which Bpay payments can be made.

AGL ACT Retail Investments Pty Limited, ACTEW Retail Limited (N91300-1) ActewAGL will offer a rebate to consumers on condition that they acquire certain services from ActewAGL, being electricity, gas or NetConnect Dial-up, and also acquire TransSELECT GOLD from TransACT Capital Communications Pty Limited, for a fixed term of 24 months.

Guild Insurance Limited (N31263) offering different general insurance premiums to members and non-members of the Australian Osteopathic Association.

Australian Unity General Insurance Limited and Australian Unity Health Limited (N91302-3) offering to supply health, home building insurance and or home contents insurance at 10 per cent off standard premiums to members of the Australian Unity Total Super—For Business Superannuation Plan.

UBS Australia Limited (N40619) offering of UBS Wealth Management Margin Lending to customers on condition that customers use the nominee and sponsorship services of Leveraged Equity Nominees Limited and Leveq Nominees Pty Ltd.

Liquorland (Qld) Pty Ltd (N91308-10) offering of free Guinness Draft or beer if the customer acquires specific products from a Liquorland store.

Vodafone Pty Ltd (N31265) in relation to an arrangement with Brave Men and Women Pty Ltd (Wayne Cooper). Wayne Cooper offers to provide a 10 per cent discount to Vodafone 'Executive Club' members.

Honda Australia Motorcycle and Power Equipment Pty Ltd (Honda MPE) (N40595) Relating to the requirement of Original Equipment Manufacturers who have contractual relationships with Honda MPE to deal only in original products.

Camp Counselors USA Pty Ltd (N31246) Relating to the mandatory provision that students and young persons wishing to participate in its USA program do so on the condition that they use a particular travel agent to arrange their flights.

Notifications withdrawn

JVC2 Pty Limited (N31261)

JVC2 Pty Limited, a company jointly owned by Caltex Australia Petroleum Pty Ltd and Woolworths Limited lodged a notification in relation to the supply of discounted fuel to customers on the condition they provide proof of purchase no less than a nominated value from Woolworths Limited, Australia Safeway Stores Pty Ltd, Woolworths (Victoria) Pty Ltd, Woolworths (Qld) Pty Ltd and Woolworths (South Australia) Pty Ltd.