
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 determinations can be obtained from the ACCC website at <<http://www.accc.gov.au>>.

BHP Billiton

In relation to a joint venture for the mining of iron ore in the Pilbara region (A70015, A70016 and A70017)

- Draft determination issued 22.1.03
- Final determination issued 5.3.03

The Commission has issued a final determination granting authorisation to the POSMAC joint venture, managed by BHP Billiton, which will mine an emerging field of iron ore in the Pilbara region.

The Commission considered that the proposed joint venture was likely to give rise to significant public benefits, including increased exports, the development of this section of the Australian mining industry, and financial benefits to the economy of the Pilbara region.

The Commission further considered that any anti-competitive detriment flowing from the proposed joint venture was likely to be limited, as most of the iron is destined for the export market.

The Commission granted authorisation for the life of the joint venture.

International Air Transport Association (IATA)

In relation to an application for minor variation in respect of the IATA Passenger Agency Program (A90791)

- Final determination issued 5.3.03

The Commission has issued a final determination varying authorisation A90791 in accordance with the minor variation sought by IATA. The following three variations to the determination were sought:

- (a) That the following be substituted for paragraph (3) of the determination of authorisation A90791:

'This authorisation does not extend to amendments of or substitutions for the resolutions specified in Part 1 of the Appendix B as they appear in the IATA Passenger Agency Conference Resolutions Manual 22nd edition other than those set out in Part 2 of Appendix B.'

- (b) That the following be substituted for paragraph (5) of the determination of authorisation A90791:

'This authorisation does not extend to decisions of the General Assembly made using powers delegated pursuant to resolutions appearing in Part 1 of Appendix B other than: (i) those decisions which are reflected in the IATA Travel Agent's Handbook Resolution 816 Edition (effective 1 December 2000) or (ii) decisions made pursuant to the resolutions in Part 2 of Appendix B or (iii) decisions set out in Part 3 of Appendix B.'

- (c) That determination A90791 be amended by designating the table in Appendix B as Part 1 of that Appendix A to this determination.

The Commission formed the view that the proposed minor variation would not reduce the public benefits flowing from the original authorisation (A90791). The Commission also considered that the public detriment stated in the original determination would not be increased by the proposed minor variation.

Notifications finalised

The following notifications have been allowed to stand.

AAPT Limited (N31164) proposing to offer a 25 per cent discount on fixed to mobile telephone calls made by its Smartchat residential customers and small business customers to a Hutchison CMDA mobile service on condition that a customer acquires CDMA mobile telecommunications services from Hutchison.

ANZ Rewards No 2 Pty Ltd (N40552) proposing to offer bonus points to members of 'Sphere' loyalty program with use of ANZ First or ANZ Gold credit cards at selected merchants.

Bowen Petroleum Services Pty Ltd (N91075) proposing to offer discounted fuel with a proof of purchase from IGA Everyday Saratoga.

Business Commerce Australia Pty Ltd (N31218) proposing to offer a community based pricing plan to members of Australian Gifts and Homewares Association.

Camptown Pty Ltd (N91089) proposing to offer a fuel discount with proof of purchase from Goondiwindi Co-op shopping docketts.

Corporation of the City of Torrens (N91082) proposing to supply or offer to supply the hiring of Cummins House to potential customers on the condition that if a customer intends to use catering services at the house, it engages one of the three caterers nominated by the council.

Cricket Australia (N40551) proposing to offer a discount on ACB tickets if the customer acquires a News Limited local newspaper directly or indirectly from News Limited.

Showbiz International Pty Ltd, Visa International Service Association, Disney Theatrical Productions Australia (N31215, N91076-7) Disney, through their ticket agent ShowBiz, will provide exclusive ticket booking services to individuals who pay for tickets with a credit or debit VISA card for the first four weeks of ticket sales to The Lion King. Other members of the public will be able to purchase tickets via other payment methods from 19 May 2003.

Dodo Internet Pty Ltd (N40556) offering Asynchronous Digital Subscriber Line (ADSL) services provided to consumers who acquire a standard telephone service from Telstra or a Telstra reseller.

Festival Records Pty Ltd (N91079) offering entry into competition if a consumer has acquired copies of a particular album from Sanity, In 2 Music or Virgin Music.

George Weston Foods Ltd (N40549) relating to the introduction of an automated flour silo system for the distribution of bulk flour on condition that customers only use flour supplied by a division of GWF (Weston Cereals Industries) in the silo system.

Harvey World Travel Franchisees Pty Ltd (N31216) in relation to a competition which requires, as a condition of entry, that people have acquired goods or services from a Harvey World Travel franchisee.

Hillmount Pty Ltd (N91078) proposing to provide a discount on fuel purchase with proof of purchase from Coles Supermarkets.

Julross Pty Ltd (N31218) proposing to provide a fuel discount with proof of purchase from Drake Foodland.

Michelin Australia Pty Ltd (N91085) proposing to allow some of Michelin dealers a rebate on new truck and bus tyres they purchase if they also acquire retreaded recmic-branded truck and bus tyres from franchisees of Michelin Australia's recamic retreading system.

My Shout (Aust) Pty Ltd (N91090) in relation to conditional supply of liquor.

National Refrigeration and Air-Conditioning Council Limited (N91040) in relation to the requirement that refrigeration and air conditioning equipment installation and maintenance technicians are certified under the certification scheme administered by NRAC in order to use the associated trade mark.

Performance Inc (N31217) offering the Bicycle Authority exclusive rights to deal in licensed products on condition the Bicycle Authority acquires the products from an approved manufacturer.

The Policy Department Employees' Credit Union Limited (N91080) proposing to reduce the standard mortgage application fee if a customer applies for a CUSCAL MasterCard.

SGIO Insurance Limited and SGIC General Insurance Limited (N31210-1) proposing to pay the hire car payment for policy holders who acquire a hire car from a particular hire car company.

Sanity Music Stores Pty Ltd (N31219) proposing to provide a free CD 'Relax you deserve it' if a consumer acquires another compact disc using MasterCard.

Sensis Pty Ltd (N40556) in relation to a reduction in costs for setting up CitySearch and OnLine Yellow Pages on condition that an advertiser acquires both services at the same time and under the same contract.

Ticketmaster 7 Pty Ltd (N31220) proposing to offer to supply exclusive tickets to The Lion King on condition customers purchase the tickets using their VISA card. Related to N31215, N91076 and N91077.

Tourism Victoria (N40553-4) proposing to implement a policy in which Tourism Victoria will only allow a tourism operator to participate in promotional, marketing and advertising activities coordinated or subsidised by Tourism Victoria when the operator of the tourism business is an accredited tourism business and a member of a tourism association.

Urban Property Corporation (Wyndham Waters) Pty Ltd (N40550) in relation to a rebate for lots sold in the Wyndham Waters development if purchasers enter into a domestic building contract with a display builder.

Urban and Regional Land Corporation (N91074) in relation to nominated construction firms for housing and business premises at Aurora.

AGL Electricity Limited (N91084) proposing to offer natural gas and electricity services to residential customers in Victoria at a discount of between 5 and 20 per cent on the condition that customers acquire both natural gas and electricity from AGL Electricity and AGL Victoria Pty Limited.

IGA Distribution Pty Ltd (Vic) and (SA) Australian Liquor Marketers Pty Ltd, (Qld) and (WA) (N31177-82) Supply of groceries, tobacco and promotional and marketing support on condition that independent grocery retailers acquire membership of a specified banner group.

The Royal Automobile Club of QLD Limited (RACQ) (N51043) Exclusive use of RACQ branded batteries in RACQ road service vehicles.

Johnson & Johnson Pacific Pty Ltd (N91073, N91083) in relation to the supply of contact lenses to distributors for resale.