References

Absa, October 2006, First Submission, *Initial submission to the Jali Commission for Enquiry.*


Absa, May 2007, *ATM Presentation Note regarding Absa’s position in relation to the carriage fee model and direct charging model.*


Absa, June 2007, *National Payment System Note.*


Absa, August 2007, *Restrictions on Comparative Advertising.*

Absa, August 2007, *CRA document on Price changes and Demand shifts.*


Absa, September 2007, *Direct charging models for ATMs.*

Absa, September 2007, *Response to queries relating to the link ATM network in the United Kingdom.*

Absa, September 2007, *Comparative advertising in the banking sector.*


References

Absa, October 2007, *ATM carriage fees and section 4(1)(b) of the Competition Act*.

Absa, March 2008, Response to additional questions, *Banking Enquiry Response to additional questions*.


ATM Solutions, October 2006, *Submission to the Competition Commission Enquiry into the National Payment System and Related Issues*.


Banking Association of South Africa, June 2007, *Direct charging within the ATM environment - Lessons form the UK*. Compiled by PayStrat.


BIS, 2003, “A glossary of terms used in payments and settlement systems,” *CPSS Publications*.


Bankserv Limited, January 2007, Presentation to the Banking Enquiry Competition Commission.
Bankserv, March 2007, *Response to the Competition Commission Banking Enquiry Questionnaire*.

Bankserv, November 2007, *Data Submitted to the Enquiry*.


Bench Marks Foundation of Southern Africa (BEFSA), October 2006, Input: Competition Commission.


Capitec Bank, October 2006, First Submission, *Enquiry into competition in banking - Submission to the Competition Commission*.

Capitec Bank, March 2007, Second Submission, *Supplementary Submission to the Banking Enquiry*.


Consultative Group to Assist the Poor (CGAP), October 2006, “Use of agents in branchless banking for the poor: rewards, risks, and regulations.” *Focus Note*, No.38.

 References

Chitty on Contracts, 29th edition, Sweet and Maxwell.


Commerical Independent Bureau (CIBA), October 2006, Submission to the enquiry by non-banks.

CIBA, December 2006, Presentation.


Corbin on Contracts, Matthew Bender.


Dickler, J., September 2007, Breaking the bank: ATM fees.


European Union, 2007, “Directive on payment services in the internal market” PE-CONS 3613/07


Financial Services Authority (FSA), 2001, The regulation of electronic money issuers, United Kingdom.

FirstRand Bank (FRB), October 2006, First submission, Initial submission of the Competition Commission Banking Enquiry.

FRB, March 2007, Second Submission, ATM transactions (Initial questions), Second submission of the Competition Commission Banking Enquiry: Response to the questions and data request. Section 1

FRB, March 2007, Second Submission, ATM transactions, Second submission of the Competition Commission Banking Enquiry: Response to the questions and data request. Section 2.


FRB, August 2007, *The Impact of the NCA on the charging of penalty fees.*

FRB, August 2007, *EDO and EFT rules for limiting the abuse of penalty fees.*

FRB, August 2007, *FRB methodology for setting interchange.*

FRB, August 2007, *FRB view on the costs of switching bank accounts.*

FRB, August 2007, *FRB response to a central KYC hub for the industry.*

FRB, August 2007, *Expanding the role of the Banking Ombud.*

FRB, October 2007, *FRB Data and info request. FRB response to Competition Commission’s “FNB Data and info request”.*

FRB, November 2007, *FRB response to the potential application of interchange in ATM cash withdrawal transactions.*

FRB, November 2007, *Additional Data Request – ATM fees.*


Financial Sector Campaign Coalition (FSCC), October 2006, *Submission to the Competition Commission Enquiry.*

FSCC, November 2006, *Submission to the Competition Commission Enquiry by Jan Mahlangu.*
FSCC, November 2006, Submission to the Competition Commission Enquiry by Marcella Naidoo.

FSCC, November 2006, Submission to the Competition Commission Enquiry by Mike Louw.

FSCC, November 2006, Submission to the Competition Commission Enquiry by Victor Botha.


Intecon / ALLPS, Presentation on EDO by Mr de Swardt, CEO of Intecon / ALLPS, furnished by PASA on 5 September 2007.


Ithala, October 2006, *Submission to the Banking Enquiry Established by the Competition Commission*.


MasterCard, October 2006, First Submission, (Confidential version). *MasterCard International Incorporated’s submissions to the Banking Enquiry Part 2 – Annexes*


References


Mercantile, October 2006, First Submission, *Mercantile Bank Limited Submission to the Banking Enquiry*.


MFSA, November 2007, *AEDO/NAEDO requested information*.


National Treasury, November 2007, *Legal nature of interbank charging relationships – Section 21 of the Financial Intelligence Centre Act, 38 of 2001*, by M.D. Kuper SC.


Nedbank, October 2006, First Submission, *Competition Commission Enquiry into Banking - Written Submission Nedbank Ltd*. Document 2 – Factual submission (data)


Banking Enquiry Report to the Competition Commissioner  Contains confidential information


Nedbank, March 2007, Second Submission, *Response to questions on "Free Banking".*


Nedbank, March 2007, Second Submission, *American Express issuing requirements*


Nedbank, August 2007, *Competition Commission Enquiry Supplementary Submission - Nedbank recommendations.*

Nedbank, August 2007, *Competition Commission Enquiry Supplementary Submission - Basic Banking Product.*

Nedbank, August 2007, *Supplementary Submission – Questions from hearings and Technical Team.*

Nedbank, October 2007, *Competition Commission Enquiry Nedbank Data and Info Request.*


OBS, November 2006, Preperation of the Ombudsman for Banking Services to the Competition Commission on the level and Structure of Charges made by Banks.


PASA, October 2006, Submission to the Competition Enquiry into Competition in Banking.

PASA, April 2007, Payments Association of South Africa Banking Sector Enquiry Clearing Rules.

PASA, April 2007, Payments Association of South Africa Banking Sector Enquiry Payments Clearing House Agreements.


Payment System Task Force, 2005, "First annual progress report of the Payment System Task Force". *The Office of Fair Trading*.


References


Shoprite Checkers (Pty) Ltd, July 2006, Response to the Competition Commission’s Request for the Submissions regarding the Report by Feasibility on charges within the banking sector.


Standard Bank of South Africa Limited (SBSA), October 2006, First Submission. Voluntary submission to the Competition Commission Enquiry into competition in banking.

SBSA, April 2007, Second Submission, ATM transactions, In response to questions on ATM Transactions.
SBSA, April 2007, *Card interchange fees*.


SBSA, June 2007, *Costing and Pricing*.

SBSA, July 2007, *Comparison Shopping for Banking Services*.

SBSA, August 2007, Second Submission, Part A Data Request, *Response to outstanding issues raised by the banking enquiry: Part A – questions on pricing and costing*.

SBSA, August 2007, *Part B - Questions on Switching and Churn*.


SBSA, August 2007, *Part D - Direct Charging*.

SBSA, August 2007, *Part E - Interchange methodology and questions on payment cards*.

SBSA, August 2007, *Part F - Profile proposal*.

SBSA, October 2007, *Information request regarding Interchange fee data*.


*Story on Contracts*, 1884.


Visa, October 2006, First Submission, *Visa International Service Association response to the SA Banking Enquiry*.


Webster’s *Third New International Dictionary*.


**Legislation:**

Banks Act, 1990 (Act No 94 of 1990), as amended.


**Cases:**


*Alfred McAlpine & Sons (Pty) Ltd v Transvaal Provincial Administration* 1974 (3) SA 506 (A)

*American Natural Soda Ash Corporation and another v Competition Commission and others* 2005 (6) SA 158 (SCA)

*Anglo Operations Ltd v Sandhurst Estates (Pty) Ltd* 2007 (2) SA 363 (SCA)

*Anglo South Africa Capital (Pty) Ltd and others v Industrial Development Corporation of South Africa and another* 2004 (6) SA 196 at 206F (CAC)

*Automotive Tooling Systems (Pty) Ltd v Wilkens and others* 2007 (2) SA 271 (SCA)

*Botha and another v Carapax Shadeports (Pty) Ltd* 1992 (1) SA 202 (A)

*Brennan et al v Concord EFS Inc. et al* 369 F.Supp.2d 1127 (N.D. Cal)

*California Retail Liquor Dealers Ass’n v Midcal Aluminum Co.* 445 U.S. 97, 100 S.Ct. 937 (1980)
Chrysafis and others v Katsapas 1988 (4) SA 818 (A)


Competition Commission v Patensie Sitrus Beherend Bpk (Case No. 37/CR/Jun01)

Dagher v Saudi Refining Inc. 369 F.3d, 1108 (9th Cir.2004)

Foley v Hill and others (1843-60) All ER Rep 16 (HL)


Liebenberg v ABSA Bank Ltd t/a Volkskas Bank [1998] 1 All SA 303 (C)

Medicros Healthcare and another v Competition Commission [2006] 1 CPLR 1 (CAC)

Merger of Investec and Fedsure Case No: 19LMMAR01 (CT)

Mondi Ltd and Kohler Cores and Tubes (a division of Kohler Packaging Ltd) v Competition Tribunal [2003] 1 CPLR 25 (CAC)

Natal Wholesale Chemists (Pty) Ltd v Astra Pharmaceutical Distributors (Pty) Ltd [2001-2002] CPLR 363 (CT) (Case No. 98/IR/Dec00)

National Bancard Corporation (NaBanco) v Visa U.S.A., Inc. 596 F.Supp. 1231 (United States District Court, S.D. Florida); affirmed 779 F.2d 592 (11th Circuit, 1986)

Nedschroef Johannesburg (Pty) Ltd v Teamcor Ltd and others [2006] 1 CPLR 98 (CT)

Palmer v BRG of Georgia, Inc. 498 U.S. 46, 49-50, 111 S.Ct. 401, 112 L.Ed.2d 349 (1990)

Patensie Sitrus Beherend Bpk v Competition Commission [2003] 2 CPLR 247 (CAC)


Prism Holdings Ltd and another v Liversage and others 2004 (2) SA 478 (W)

Reddy v Siemens Telecommunications (Pty) Ltd 2007 (2) SA 486 (SCA)

Smit v Bester 1977 (4) SA 937 (A)

Standard Bank of SA Ltd v Oneanate Investments (Pty) Ltd 1995 (4) SA 510 (C)

Sun Packaging (Pty) Ltd v Vreulink 1996 (4) SA 176 (A)

Texaco Inc. v. Dagher 547 U.S. 1, 126 S.Ct. 1276, 164 L.Ed.2d 1 (2006)

Theatre Enterprises, Inc. v Paramount Film Distributing Corp. 346 U.S. 537, 74 S.Ct. 257 (1954).

United States v Topco Associates, Inc. 405 U.S. 596, 92 S.Ct. 1126, 31 L.Ed.2d 515 (1972)


York Timbers Ltd v SA Forestry Company Ltd (1) [2001-2002] CPLR 408 (CT)

Websites visited:

www.apacs.org.uk (APACS, United Kingdom)

www.apca.com.au (Australian Payments and Clearing Association)

www.aplitech.co.za (Net 1 U.E.P.S. Technologies Inc.)

www.apra.gov.au (Australian Prudential Regulatory Authority)

www.asasa.org.za (Advertising Standards Authority, South Africa)

www.bankofathens.co.za (Bank of Athens, South Africa)

www.cdnpay.ca (Canadian Payments Association)

www.cgap.org (Group to Assist the Poor)

www.compcom.co.za (Competition Commission South Africa)

www.corporate.Visa.com (Visa Inc.)

www.dinersclub.co.za (Diners Club South Africa)

www.dinersclubus.com (Diners Club International)

www.electronicpaymentscoalition.org (Electronic Payments Coalition)

www.fnh.no (Norwegian Financial Services Association)

www.inventors.about.com (About.com's web page on inventors)

www.investec.com (Investec Bank South Africa)

www.mastercard.com (MasterCard Worldwide)
References

www.mercantile.co.za (Mercantile Bank, South Africa)
www.mycomax.com (Mycomax Pty Ltd)
www.nupay.co.za (NuPay South Africa)
www.obssa.co.za (Ombudsman for Banking Services, South Africa)
www.pasa.org.za (Payments Association of South Africa)
www.paymentsnews.com (Payments News from Glenbrook Partners)
www.prnewswire.co.uk (P.R. Newswire)
www.rba.gov.au (Reserve Bank of Australia)
www.wizzit.co.za (Wizzit Bank South Africa)