

Mallesons Stephen Jaques

S O L I C I T O R S

Regional Director
Australian Competition and
Consumer Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne Centre
Melbourne Vic 3000



9 July 2001

C Coops
Senior Associate
Direct line
(61 3) 9643 4097

A Bodger
Partner

Dear Sir/Madam

Notification of Third Line Forcing Exclusive Dealing

We act for National Australia Bank Limited ("National").

We enclose for lodgement an exclusive dealing notifications on behalf of the National, together with a cheque for the applicable lodgement fee of \$1,000.00.

Please do not hesitate to contact Amanda Bodger of this office should you have any queries or comments.

Yours faithfully

Mallesons Stephen Jaques

Encls. 1

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ENTITY
DMAN DOI/21333

DRAFT ONLY

**COMMONWEALTH OF AUSTRALIA
TRADE PRACTICES ACT 1974 - Subsection 93(1)
EXCLUSIVE DEALING: NOTIFICATION**

TO THE AUSTRALIAN COMPETITION & CONSUMER COMMISSION:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1 (a) Name of person giving notice:

National Australia Bank Limited (ABN 12 004 044 937) of Level 24, 500 Bourke Street, Melbourne (“**National**”).

(b) Short description of business carried on by that person

The National provides banking services, products and systems.

(c) Address in Australia for service of documents on that person

C/- Amanda Bodger
Mallesons Stephen Jaques
Level 28, Rialto
525 Collins Street
Melbourne Vic 3000

2 (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

Products and services supplied by the National being banking services, products and systems; loans (including home loans with fixed, variable or capped interest rates, and personal loans); credit accounts; vehicle and equipment leasing; revolving credit; special purpose loans; commercial bills, bonds, overdrafts; credit cards and stored value cards; payment services and treasury services ranging from vanilla products to complex derivative transactions; foreign currency; equity finance, forwards, options, interest rate and derivative products; margin lending (“**National Products**”).

Financial advice and financial planning products and services provided by the following members of the National Group (who are related bodies corporate of the National):

- GWM Adviser Services Limited (trading as “Garvan”) ABN 96 002 071 749;
- Godfrey Pembroke Limited ABN 23 002 336 254;
- MLC Limited (trading as “MLC Private Client Services”) ABN 90 000 000 402;
- Apogee Financial Planning Limited ABN 28 056 426 932; and
- MLC Limited (trading as MLC Financial Planning) ABN 90 000 000 402.

(together referred to as the “Advisers”)

(b) Description of the conduct or proposed conduct:

The National propose to enter into arrangements pursuant to which the National proposes to:

- (a) supply or offer to supply a National Product on the condition that the customer acquires financial planning products or services from one or more Advisers; or
- (b) refuse to supply or refuse to offer to supply a National Product for the reason that that the customer has not acquired or has not agreed to acquire financial planning products or services from one or more Advisers; or
- (c) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to a National Product on the condition that the customer acquires financial planning products or services from one or more Advisers.

Examples of the proposed conduct are set out below

The National proposes to offer discounts on its standard fees and charges and/or other benefits relating to its Professional’s Choice Package (soon to be called the National Choice Package) and Homeowner’s Package to customers who otherwise meet the National’s criteria for these packages and who are referred to the National by an Adviser and acquires financial planning products or services from that Adviser.

The proposed conduct will be of benefit to the public as it will:

- reduce costs of customers who may be otherwise unable to negotiate discounts or other benefits in relation to National Products on their own behalf;
- promote competition in the relevant markets by encouraging competitors to offer similar value added services;
- assist the National and the Advisers (as related bodies corporate) to achieve greater efficiencies;
- provide National customers with the opportunity to obtain National Products at discounted rates or with additional benefits; and
- provide customers with greater convenience in dealing with the National and the Advisers.

The proposed conduct will not lessen competition in the markets for the relevant products and services as:

- competition in the relevant markets is vigorous and there are many competitors;

- the parties are related bodies corporate;
- the number of consumers potentially affected by the proposed conduct is insignificant compared to the total number of consumers who acquire banking services; and
- consumers may acquire the relevant products and services from a range of other suppliers.

The applicant believes that the benefits from the proposed conduct outlined above will outweigh any possible detriment considered to arise from the conduct.

3 (a) Class or classes of persons to which the conduct relates:

New and existing customers of the Advisers.

(b) Number of those persons

N/A

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses

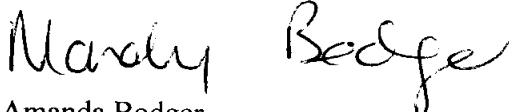
Not applicable

4 Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice is:

Amanda Bodger
 Mallesons Stephen Jaques
 Level 28, Rialto
 525 Collins Street
 Melbourne Vic 3000

Dated: 9 July 2001

Signed on behalf of the person giving this notice:


 Amanda Bodger

Solicitor

DIRECTIONS

- 1 If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
- 2 If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
- 3 In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
- 4 If particulars of a condition or of a reason of the type referred to in subsection 47(2), (3), (4), (5), (6), (7), (8), or (9) of the **Trade Practices Act 1974** have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
- 5 In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
- 6 In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47(6) or (7), or paragraph 47(8)(c) or (9)(d), of the *Trade Practices Act 1974* (“**the Act**”), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act (“**the prescribed period**”) unless the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when the decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8), (a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.