

ACCC  
Australian Competition and  
Consumer Commission  
Application for Authorisation or Notification  
Check List

Reg. No.

NO31116

1. One check list is to be completed for each Authorisation or Notification.
2. Points in para. 4 are to be checked prior to the receipt being issued and the application registered. If the application does not conform to the points in para.4 the application is to be re-directed to the applicant.
3. Points in para. 5 are to be completed prior to dispatch to the RMU at Central Office.

4. CHECK THAT

- |     |                                                                                                                                                               |                                     |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| (a) | the appropriate fee has been paid (if in doubt about appropriate fee, refer to the Mergers or Adjudication Branch, Canberra).....                             | <input checked="" type="checkbox"/> |
| (b) | the form has been signed and dated.....                                                                                                                       | <input checked="" type="checkbox"/> |
| (c) | the application has been made on the correct form.....                                                                                                        | <input checked="" type="checkbox"/> |
| (d) | supporting documents are attached (copies of agreements etc).....                                                                                             | <input checked="" type="checkbox"/> |
| (e) | original contracts, leases etc. have not been attached.....                                                                                                   | <input type="checkbox"/>            |
| (f) | the applicant is the acquiring corporation if Form F (s.50 application).....                                                                                  | <input type="checkbox"/>            |
| (g) | the applicant is a corporation if Form A, B, E, F, G.....                                                                                                     | <input checked="" type="checkbox"/> |
| (h) | if Form E or G (Exclusive Dealing), the applicant is the corporation enforcing the practice.....                                                              | <input checked="" type="checkbox"/> |
| (i) | if Form G (s.47 Notification) ensure no previous refusal of authorisation on merit.....                                                                       | <input type="checkbox"/>            |
| (j) | if application or Notification appears to be the first of many in relation to similar conduct the draw attention to the Common Form provision of the Act..... | <input type="checkbox"/>            |

- |     |                                                                                          |                                     |
|-----|------------------------------------------------------------------------------------------|-------------------------------------|
| 5.  |                                                                                          |                                     |
| (a) | Receipt issued for fees and documents.....                                               | <input checked="" type="checkbox"/> |
| (b) | Date stamped.....                                                                        | <input checked="" type="checkbox"/> |
| (c) | Is confidentiality requested?.....                                                       | <input type="checkbox"/> NO         |
| (d) | Entry made in the register.....                                                          | <input checked="" type="checkbox"/> |
| (e) | Duplicate material has been identified as "duplicate" and not registered separately..... | <input type="checkbox"/>            |

- |    |                                                                                          |                                |
|----|------------------------------------------------------------------------------------------|--------------------------------|
| 6. | How many pages are attached to this application? (Count app. and attachment/s only)..... | <input type="text" value="5"/> |
|----|------------------------------------------------------------------------------------------|--------------------------------|

COMMENTS:

\$1000 cheque Receipt # 848 by Michelle Long  
Document Receipt # 1322 by Susy Copple

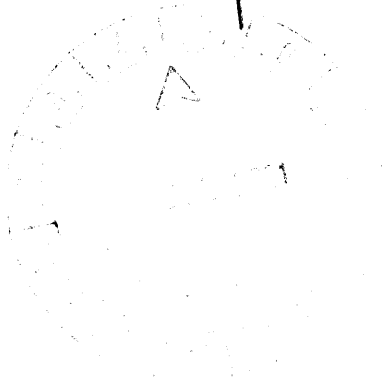
# Mallesons Stephen Jaques

S O L I C I T O R S

## Confidential communication

Mr Tim Grimwade  
General Manager  
Adjudication Branch  
Australian Competition & Consumer  
Commission  
Level 7, Angel Place  
123 Pitt Street  
SYDNEY NSW 2000  
**BY COURIER**

DOI | 22510



17 July 2001

Dear Mr Grimwade

### St George Bank Limited - Notification of third line forcing

We act for St George Bank Limited.

We enclose an exclusive dealing notification for lodgment together with a cheque for the applicable lodgment fee of \$1,000.

Please contact us if you have any questions.

Yours sincerely

Paula Gilardoni  
Solicitor  
Direct Line (61 2) 9296 2141  
Email paula.gilardoni@msj.com.au

Roger Featherston  
Partner

Encl

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COMMONWEALTH OF AUSTRALIA  
*Trade Practices Act 1974* — subsection 93(1)  
**EXCLUSIVE DEALING: NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or 9(a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) *Name of person giving notice:*

St.George Bank Limited (ABN 92 055 513 070) ("St.George").

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

St.George provides commercial and retail banking and financial services, including electronic banking services.

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

C/- Roger Featherston  
Mallesons Stephen Jaques  
Level 60, Governor Phillip Tower  
1 Farrer Place  
Sydney NSW 2000

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

Electronic banking services that include an email reporting facility.

(b) *Description of the conduct or proposed conduct:*

St.George will send to a customer who subscribes to this service, emails attaching the customer's transaction information (eg, statement files). To ensure the confidentiality and integrity of the emailed files, St.George will encrypt the files using an encryption software provided by Network Associates Inc. and its affiliated company PGP Security ("PGP").

In order to be able to read the files, customers will need to decrypt the files, which can only be done using a registered copy of PGP's decryption software. Hence, customers who wish to use the email reporting facility will need to download a copy of the PGP's decryption software from PGP's web site and install that software in their own computers.

Customers will pay a fee for the email reporting facility, but this fee will not include the cost of PGP's software licence. The customer will purchase this directly from PGP.

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

- promote competition for the supply of electronic banking services in Australia; and
- make it possible to expand electronic banking services to include email reporting facilities that are highly secure and confidential.

The proposed conduct will not lessen competition in any market because:

- general banking services and electronic banking services (without the email reporting facility) will continue to be available to all of St.George's customers; and
- only a small number of customers are likely to choose the email reporting facility and therefore to be required to acquire the software licence from PGP.

The benefits to the public of the proposed conduct will outweigh any likely detriment to the public from the proposed conduct.

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

St.George customers who in turn have numerous customers with a high volume of account activity (eg, stock brokers, government agencies, universities).

(b) *Number of those persons:*

(i) *At present time:*

Nil.

(ii) *Estimated within the next year:*

Approximately twenty.

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

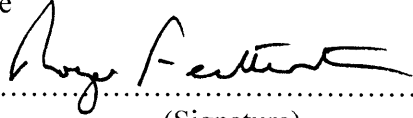
Not applicable, as at this stage it is not possible to identify the customers that will sign up for the service.

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

C/- Roger Featherston  
 Mallesons Stephen Jaques  
 Level 60, Governor Phillip Tower  
 1 Farrer Place  
 Sydney NSW 2000

Dated .....17 July..... 2001..

Signed by/on behalf of the person giving this notice



.....  
(Signature)

.....ROGER GREENE FEATHERSTON.....

(Full Name)

.....SOLICITOR.....

(Description)

## **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 this 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 that 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.