

# Arthur Robinson & Hedderwicks

ALLENS  
ARTHUR ROBINSON  
GROUP

LAWYERS

FILE No

DOC

ABN 69 291 911 396

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Melbourne 3000 Australia  
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14 February 2001

Mr Ian Searles  
Australian Competition & Consumer  
Commission  
470 Northbourne Avenue  
Dickson ACT 2602

**BY COURIER**

Dear Mr Searles

## **Bendigo Bank Limited - Section 93(1) Notification**

Enclosed is a notice of exclusive dealing by our client, Bendigo Bank Limited (ACN 068 049 178) (the *Bank*).

The notice relates to loan facility arrangements the Bank intends to offer its customers on the basis of taking security over uncertificated shares issued under the Clearing House Electronic Sub-register System (*CHESS*).

A customer under the facility (the mortgagor) will be required to enter into a CHESS sponsorship agreement with a controlling participant, namely, Sandhurst Trustees Limited (ACN 004 030 737), a wholly-owned subsidiary of the Bank.

The Commission is familiar with the CHESS sponsorship arrangements and has not objected to similar section 93 notices lodged by other financial institutions on the basis that the conduct involves public benefit (being an efficient and cost effective method of obtaining security over uncertificated CHESS shares) and that the conduct does not affect competition in the market for the provision of financial accommodation.

A cheque for \$1,000 payable to the Commission (being the prescribed fee) is enclosed in respect of our client's notice.

Our Ref PJR

Your Ref

Please contact me if you require any further details.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Ryan', with a long horizontal flourish extending to the right.

**Patrick Ryan**

Partner

patrick.ryan@arh.com.au

61 3 9613 8824

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**Form G**  
**COMMONWEALTH OF AUSTRALIA**  
**Trade Practices Act 1974 – Sub Section 93(1)**  
**EXCLUSIVE DEALING**  
**NOTIFICATION**

To the Australian Competition and 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(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.

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1.     (a)     **Name of person giving notice**  
Bendigo Bank Limited (ACN 068 049 178)  
  
      (b)     **Short description of business carried on by that person**  
Banking – the provision of financial accommodation  
  
      (c)     **Address in Australia for service of documents on that person**  
Bendigo Bank Limited  
Fountain Court  
Bendigo Vic 3550
2.     (a)     **Description of the goods or services in relation to the supply or acquisition of which this notice relates**  
The provision of sponsorship services by Sandhurst Trustees Limited (ACN 004 030 737) (*Sandhurst*) in respect of uncertificated shares issued under the Clearing House Electronic Sub-register System (*CHESS*).  
  
      (b)     **Description of the conduct or proposed conduct**  
The Bank providing financial accommodation to a customer on the condition that the customer (in providing lending security over *CHESS* shares) acquire sponsorship services from a sole sponsor (Sandhurst, being a wholly owned subsidiary of Bendigo Bank Limited).
3.     (a)     **Class or classes of persons to which the conduct relates**  
Incorporated and unincorporated entities.  
  
      (b)     **Number of those persons:**
  - (i)     **At present time – Nil.**

## FORM G - continued

- (ii) Estimated within the next year – Unknown.
- (c) Where number of persons stated in item 3(b)(i) is less than 80, their names and addresses

Not applicable.

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

Patrick Cavanagh

Bendigo Bank Limited  
123 Bouverie Street  
Carlton Vic 3053

Dated

30/01/2001.

Signed by/on behalf of the person  
giving this notice



Signature

Patrick Cavanagh

Full Name

David M. Cavanagh

Description