



Australian Competition & Consumer Commission

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Our Ref: C2002/1605
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14 November 2002

Mr Michael Vasta
Corporate Lawyer
Australian and New Zealand Banking Group Limited
Level 6, 100 Queen Street
MELBOURNE VIC 3000

Dear Mr Vasta

**Notification of Exclusive Dealing – Australia New Zealand Banking Group Limited
(N40542)**

I refer to the above third line forcing notification lodged by the Australia New Zealand Banking Group Limited (ANZ) on 30 October 2002 with the Australian Competition and Consumer Commission (the Commission). Legal immunity from the *Trade Practices Act 1974* (the Act) commenced on 14 November 2002. This notification has been placed on the Commission's public register.

These notifications detail a proposed arrangement in which the ANZ will offer discounts on the products and services of online retailers advertised in ANZ Square which will be exclusive to registered users of ANZ First and ANZ Gold websites.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

Please note that the Commission may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

It appears from the information that you have provided that ANZ Square retailers may also be engaging in third line forcing conduct. Please be advised that any immunity afforded as a result of this notification does not extend to ANZ Square Retailers who offer discounts and/or special offers on products or services appearing on ANZ Square which will be exclusive to registered users of ANZ First and ANZ Gold websites.

Whilst I would not expect the Commission to take action in relation to the conduct notified on the basis of the information you have provided (and without the benefit of market inquiries), it would be open for third parties to take action against third line forcing conduct



by ANZ Square Retailers. As such, ANZ Square retailers may wish to consider lodging separate third line forcing notifications.

If you wish to discuss any aspect of this matter, please contact Danielle Staltari on (02) 6243 1362.

Yours sincerely

Handwritten signature of Tim Grimwade, consisting of a stylized 'T' and 'G' followed by a cursive 'ce'.

Tim Grimwade
General Manager
Adjudication Branch