

AUST. COMPETITION &  
CONSUMER COMMISSION  
SYDNEY  
26 MAY 2005

**middletons**  
lawyers

26 May 2005

FILE No:
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**By Courier**

Our reference  
JLEN.MFEE.1334690

Mr Scott Gregson  
Australian Competition & Consumer Tribunal  
Level 7, Angel Place  
123 Pitt Street  
SYDNEY NSW 2000

Your reference  
Mr Scott Gregson

Dear Sir


**Form G - Exclusive Dealing: Notification**

We act for SuperChoice Services Pty Limited.

Our client proposes to enter into arrangements which it is concerned may contravene Section 47(6) of the *Trade Practices Act 1974*, related to third line forcing. Accordingly, on behalf of our client we give notice of that proposed conduct to the Commission by means of the attached Form G.

In relation to that lodgement, we also attach a cheque for \$100.00. We would be grateful for both a receipt and an acknowledgement of the Form G in due course.

Kind regards

  
**Mark Feetham**  
Partner

encl

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syddocs 616306v1 JLEN

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**From:** Jim Lennon [mailto:Jim.Lennon@middletons.com.au]  
**Sent:** Wednesday, 22 June 2005 4:51 PM  
**To:** Jones, Gavin  
**Cc:**  
**Subject:** Form G lodged on behalf of SuperChoice Services Pty Limited

Dear Gavin,

I refer to our telephone conversation today (22 June 2005) regarding the Form G lodged with the ACCC on behalf of SuperChoice Services Pty Limited.

My client confirms that the following statement would be acceptable for insertion into section 2(b) of the Form G for the purposes of appearing on the public register.

"SuperChoice proposes to supply Rollover Services to Customers on condition that, where Cheque Payment processing services are required from a party other than the Customer's own bank, the Customer must obtain those services from Westpac under the management of SuperChoice."

I confirm that the Form G was lodged on 26 May 2005 and that the 14 day period in respect of the Form G has now elapsed.

Kind regards,

Jim

**Jim Lennon | Senior Associate | Middletons**  
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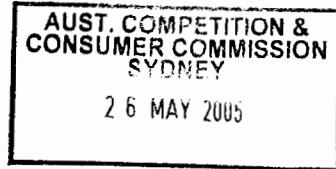
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Please acknowledge or reply to this email promptly.

27/07/2005

**FORM G**

Regulation 9



**COMMONWEALTH OF AUSTRALIA**

N.31390

*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), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

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(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

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

SuperChoice Services Pty Limited ABN 78 109 509 739 (**SuperChoice**)

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

Provision of services facilitating the rollover of superannuation payments between superannuation funds.

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

C/- Mark Feetham  
Partner  
Middletons Lawyers  
PO Box 4763  
SYDNEY NSW 2001

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

- (i) SuperChoice provides services to the administrators or trustees of superannuation funds to facilitate the rollover (transfer) of superannuation funds to another superannuation fund.
- (ii) The services provided by SuperChoice are intended to make rollovers quicker, cheaper and more efficient. The relevant services include:
  - (1) providing superannuation fund administrators with access to Internet-based systems to facilitate rollovers;
  - (2) storage, backup and security of electronic data relating to rollover transactions;
  - (3) facilitation of the electronic transfer of the superannuation monies if practical; and

(4) if electronic transfer of the monies is not practical because the sending superannuation fund does not provide the relevant electronic information to SuperChoice, and chooses not to undertake the transfer of funds itself, SuperChoice will facilitate the transfer of funds by means of a bank cheque (**Cheque Payment**) and mailed documents.

(iii) SuperChoice wishes to enter into an arrangement with Westpac Banking Corporation ABN 33 007 457 141 (**Westpac**) under which Westpac will create and handle the necessary Cheque Payments and mailings.

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

See Attachment A.

This notification and Attachment A contains details of SuperChoice's business system and proposed arrangements. SuperChoice's business system and its proposed arrangements are confidential and valuable to SuperChoice. SuperChoice therefore requests that the confidential information be kept confidential and, in particular, does not form part of a register kept under section 95 of the Trade Practices Act.

The proposed arrangements with Westpac have not yet been documented, although draft agreements have been prepared and are being reviewed by SuperChoice and Westpac. In the course of that review it is possible that changes to the draft agreements could be agreed. SuperChoice is willing to provide the Commission with copies of the draft agreements at its request.

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

The administrators or trustees of superannuation funds.

**(b) Number of those persons:**

(i) At present time:

None. SuperChoice hopes to acquire its first 4 customers in May or June 2005.

(ii) Estimated within the next year:

Twenty.

**(c) Where number of persons stated in item 3(b)(i) is fewer 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:**

Mark Feetham  
Partner  
Middletons Lawyers  
GPO Box 4763  
SYDNEY NSW 2001

Dated: 26

May 2005

Signed on behalf of the person giving this notice:



**Mark Feetham**  
Partner  
Middletons Lawyers

AUST. COMPETITION &  
CONSUMER COMMISSION  
SYDNEY  
26 MAY 2005

## **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 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 authorized 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.

**Attachment A**

**Description of the conduct or proposed conduct**

[Empty rectangular box for description of conduct]

CONFIDENTIALITY  
GRANTED

RESTRICTION OF  
OBLIGATION CLAIMED