



OFFICIAL SPONSOR OF THE WALLABIES

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14 February 2007

Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

FILE No:
DOC:
MARS/PRISM:

Dear Mr Gregson

Suncorp Recommended Repairer Notification

Suncorp Metway Insurance Limited (SMIL) is a member of the Suncorp Group of Companies

Proposed exclusive dealing

SMIL proposes to engage in conduct that would constitute exclusive dealing within the meaning of section 47(6) and (7) of the *Trade Practices Act 1974 (Cth) (the Act)*. They therefore wish to notify the ACCC of this proposed conduct under section 93 of the Act.

I attach:

- a completed Form G Notification

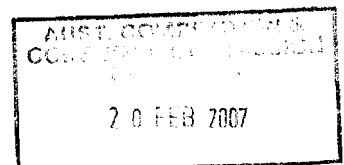
I confirm that a cheque \$100 from SMIL has been directly forwarded to your account area , being the prescribed fee for the notification. The cheque number is 055824, reference name was Ron. AP (Marg Verran).

Summary of Proposed Conduct

The Applicant proposes to supply the benefits associated with being a Recommended Repairer to its Recommended Repairers on the condition that the Recommended Repairer must acquire its motor vehicle parts from parts suppliers nominated by the Applicant.

SMIL considers that the proposed conduct will have minimal impact on competition, but that the proposed conduct will lead to compelling public benefits, as it will:

- Provide the benefit to Recommended Repairers who would not otherwise be able to enjoy the benefit;
- Assist the Applicant to achieve greater business efficiencies and quality control in relation to the supply of the Product to policy holders;



- Promote competition in the relevant markets by encouraging competitors to offer similar benefits.

Confidentiality

No claim for confidentiality is made in relation to the attached notification.

Further Queries

SMIL is prepared to discuss their proposed conduct with the ACCC. Please contact us if the ACCC has any queries.

Yours sincerely



Tracey Southwell
Solicitor General Insurance/Corporate
Group Legal

Encs.

Form G

Commonwealth of Australia

Trade Practices Act 1974 — subsection 93(1)

**EXCLUSIVE DEALING
NOTIFICATION**

N92827

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.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

1 (a) Name of person giving notice:

Suncorp Metway Insurance Limited ACN 075 695 966 (**SMIL**)

("the Applicant")

(See Direction 2 on the back of this Form)

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

The Applicant carries on the business of providing general insurance.

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

C/- Tracey Southwell
Solicitor
Group Legal
Suncorp-Metway Limited
Level 18
36 Wickham Terrace
BRISBANE QLD 4001

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

SMIL provides motor vehicle insurance in all states and territories ("the Product").

Recommended Repairers, and other repairers nominated by the Applicant on an *ad hoc* basis, (collectively called "Recommended Repairers"), supply goods and services in relation to the repair of motor vehicles ("Repair Services").

Suppliers of motor vehicle parts, nominated by the Applicant on an *ad hoc* basis, (collectively called "Parts Suppliers"), supply goods and services to the Recommended Repairers in relation to Repair Services.

(b) Description of the conduct or proposed conduct:

The Applicant proposes to supply the benefits associated with being a Recommended Repairer to its Recommended Repairers on the condition that the Recommended Repairer must acquire its motor vehicle parts from Parts Suppliers.

Benefit to Public

The Applicant does not force repairers to become Recommended Repairers.

If the Recommended Repairer elects to acquire motor vehicle parts from a Parts Suppliers, the Recommended Repairer will be able to take advantage of the benefits associated with being a Recommended Repairer of the Applicant.

If a Recommended Repairer elects not to acquire motor vehicle parts from a Parts Suppliers, the Recommended Repairer will not be able to take advantage of the benefits associated with being a Recommended Repairer of the Applicant.

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

- Provide the benefit to Recommended Repairers who would not otherwise be able to enjoy the benefit;
- Assist the Applicant to achieve greater business efficiencies and quality control in relation to the supply of the Product to policy holders;
- Promote competition in the relevant markets by encouraging competitors to offer similar benefits.

The proposed conduct will not lessen competition in the market for the relevant Products as:

- Competition in the relevant markets is vigorous and there are many competitors who are able to provide the relevant Products; and
- The number of Recommended Repairers potentially affected by the proposed conduct will not be significant due to the large number of Parts Suppliers nominated by the Applicant.

The Applicant submits that the benefits of the proposed conduct as outlined, will outweigh any possible detriment considered to arise from the conduct.

(See Direction 4 on the back of this Form)

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

Recommended Repairers who receive the benefits associated with being a Recommended Repairer of the Applicant and repairers who may become Recommended Repairers of the Applicant in the future.

(b) Number of those persons:

(i) At present time:

633

(ii) Estimated within the next year:

620

(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 applicant to provide additional information in relation to this notice:

Tracey Southwell
Solicitor
Group Legal
Suncorp-Metway Limited
Level 18
36 Wickham Terrace
BRISBANE QLD 4001

Phone: (07) 3835 5459
Fax: (07) 3035 1001
Email: tracey.southwell@suncorp.com.au

Signed on behalf of the person giving this notice:

Dated: 14 February 2007.



(Signature)

Tracey Southwell

(Full Name)

Solicitor, Suncorp-Metway Limited

(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 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* (**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 9(a), (b) or (c), of the Act, it comes into force when it is given.