



FILE No:

DOC:

MARS/PRISM:

Personal Customers Legal Group
Level 14, 100 Queen Street
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Personal Customers Legal Group

18 November 2008

Australian Competition & Consumer Commission
PO Box 1199
Dickson
ACT 2602

Email: adjudication@accc.gov.au

Dear Mr Sir/Madam

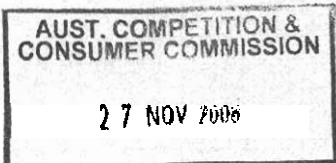
Please find enclosed for your determination Form G – Notification of Exclusive Dealing.

A cheque for \$100 in payment of the lodgement fee for this notice has been sent via mail to the address referred to above today.

Please do not hesitate to contact me on the number shown above should you have any queries.

Regards

Felicity Worland
Senior Lawyer
Australia and New Zealand Banking Group Limited



Form G

Commonwealth of Australia

Trade Practices Act 1974 — subsection 93 (1)

NOTIFICATION OF EXCLUSIVE DEALING

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 subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

1. Applicant

(a) *Name of person giving notice:*

N93710 Australia and New Zealand Banking Group Limited ABN 11 005 357 522 (ANZ)

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

ANZ is in the business of banking and the provision of financial services. In particular, the business division of ANZ relevant in the context of this notification is Consumer Finance. ANZ's Consumer Finance division provides credit cards to retail customers in Australia.

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

Level 14, 100 Queen Street, Melbourne Victoria 3000

2. Notified arrangement

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

Credit cards offered by ANZ to retail customers, being ANZ First Visa.

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

ANZ proposes to launch an initiative in conjunction with Easy Being Green Pty Ltd/ Jackgreen Ltd. Easy Being Green Pty Ltd/Jackgreen Ltd customers will be offered an ANZ First Visa credit card with six months interest free on the installation of an Easy Being Green Pty Ltd/Jackgreen Ltd solar hot water system, on condition that customers purchase the product using the ANZ First Visa credit card (subject to the approved credit limit). In addition these customers will have their Annual Account Fee waived on their ANZ First Visa for the first 12 months.

The proposed conduct, like existing loyalty or reward programmes offered by credit card issuers in the Australian marketplace, provides a benefit in return for holding and using a credit card issued by a particular card issuer.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

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

The classes of persons affected or likely to be affected are consumers who purchase solar hot water systems from Easy Being Green Pty Ltd/Jackgreen Ltd.

(b) *Number of those persons:*

(i) *At present time:*

Nil

(ii) *Estimated within the next year:*

10,000

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

Not applicable.

4. Public benefit claims

(a) *Arguments in support of notification:*

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

- promote competition amongst credit card issuers and prompt competitors of ANZ to provide competitive value added benefits to the benefit of their credit card customers;
- promote competition and place downward pressure on pricing for products and services provided by competitors of Easy Being Green Pty Ltd/Jackgreen Ltd.
- promote an environmentally-friendly product which uses solar power energy and therefore has a positive impact on climate change.
- promote an environmentally-friendly product which may significantly reduce the electricity bill of a household in which it is installed.

(b) *Facts and evidence relied upon in support of these claims:*

Qualifying customers will receive a direct benefit in the form of 0% interest for the first six months and no annual account fee for the first 12 months on the installation of an Easy Being Green Pty Ltd/Jackgreen Ltd solar hot water system using their ANZ First Visa (subject to the approved credit limit). As a result, competitors in the market may consider making similar offers in order to attract business.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction

on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

Most major credit card issuers in Australia partner with suppliers of one form or another as part of their credit card offerings including National Australia Bank, Citibank, Westpac, Commonwealth Bank of Australia and ANZ. Credit card issuers offer benefits, discounts and rewards for a variety of reasons, the most significant of which is to encourage loyalty to their brand. There is a great deal of competition between credit card issuers to retain existing customers and attract new customers.

6. Public detriments

- (a) *Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:*

The proposed conduct will have no public detriment.

- (b) *Facts and evidence relevant to these detriments:*

The proposed conduct will have no public detriment.

7. Further information

- (a) *Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:*

Felicity Worland
Australia and New Zealand Banking Group Limited
Level 14, 100 Queen Street
Melbourne Vic 3000
Phone: 03 9683 9813
Fax: 1800 030 962
Email: Felicity.Worland@anz.com

Dated

Signed on behalf of the applicant by its duly authorised representative:

Felicity Worland
Senior Lawyer, Personal Customers Legal Group