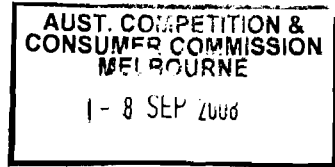
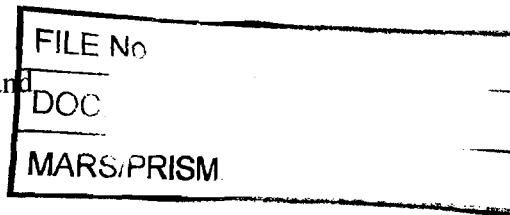


# MALLESONS STEPHEN JAQUES



Regional Director  
Australian Competition and  
Consumer Commission  
Level 35, The Tower  
360 Elizabeth Street  
Melbourne Centre  
Melbourne Vic 3000



8 September 2008

C Coops  
Partner  
Direct line  
(61 3) 9643 4097

Dear Sir/Madam

## **National Australia Bank Limited - Notification of Third Line Forcing Exclusive Dealing**

We act for National Australia Bank Limited.

We enclose for lodgement an exclusive dealing notification together with a cheque for the applicable lodgement fee of \$100.00.

Please do not hesitate to contact Caroline Coops should you have any queries or comments.

Yours faithfully

A handwritten signature in black ink that reads "Mallesons Stephen Jaques".

Encls. 1

**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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

**1 Applicant**

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

N 93573

National Australia Bank Limited (ABN 12 004 044 937) of Level 34, 500 Bourke Street, Melbourne, Victoria (“nab”).

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

nab provides banking services, products and systems.

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

C/- Caroline Coops  
Mallesons Stephen Jaques  
Level 50 Bourke Place  
600 Bourke Street  
Melbourne Vic 3000

**2 Notified arrangement**

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

nab proposes to enter into arrangements with various associations (“**Participating Associations**”) pursuant to which nab intends to:

(a) supply or offer benefits, which include discounted home loan application fees, discounted home loan switching costs, discounted credit card offers, waivers of personal loan application fees, waivers of everyday account service fees, discounted car insurance, discounted home and contents insurance, discounted financial plan preparation services, waivers of the standard first year’s ‘annual fee’ and reductions in interest rates and reductions in home loan switching costs (“**Benefits**”) to persons on the condition that they are a member of a Participating Association; or

(b) refuse to supply Benefits for the reasons that a person is not a member or has not agreed to become a member of a Participating Association.

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

*(Refer to direction 4)*

nab proposes to enter into arrangements with Participating Associations pursuant to which nab will:

- (i) supply or offer to supply Benefits to a person on the condition that the person has acquired or will acquire membership from one or more Participating Associations; and/or
- (ii) refuse to supply Benefits for the reason that that the person has not acquired or has not agreed to acquire membership from one or more Participating Associations.

**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:**

*(Refer to direction 6)*

New and existing customers of nab and new and existing members of Participating Associations.

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

- (i) At present time:  
Greater than 50.
- (ii) Estimated within the next year:

*(Refer to direction 7)*

Greater than 50.

**(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:**

*(Refer to direction 8)*

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

- reduce the costs of financial services to persons who may otherwise be unable to negotiate discounts or other benefits available on their own behalf;
- promote competition in the relevant markets by encouraging competitors of nab to offer similar value added services;

- promote competition in the relevant markets by encouraging competitors of Participating Associations to arrange for similar benefits for their members; and
- provide members of Participating Associations with the opportunity to obtain Benefits.

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

None in addition to those facts described above.

**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):**

*(Refer to direction 9)*

The markets affected by the conduct described at paragraph 2(a) and (b) above are the retail banking services markets, including the provision of deposit, transactional and other bank accounts, credit cards, home loans, personal loans, car insurance and home and contents insurance. There are a large number of financial institutions operating in these markets.

**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:**

*(Refer to direction 10)*

nab does not believe that there will be any public detriment arising from the proposed conduct.

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

The proposed conduct will not lessen competition in the markets for the relevant products and services as:

- competition in the relevant markets is vigorous and there are many competitors;
- Participating Associations choose to and are under no obligation to participate in the proposed conduct;
- members and potential members of Participating Associations are under no obligation to acquire products or services from Participating Associations or from nab;

- nab customers are under no obligation to acquire membership from Participating Associations;
- the number of consumers potentially affected by the proposed conduct is insignificant compared to the total number of consumers who acquire banking services; and
- consumers may acquire the relevant products and services from a range of other suppliers.

The applicant believes that the benefits from the proposed conduct outlined above will outweigh any possible detriment considered to arise from the conduct.

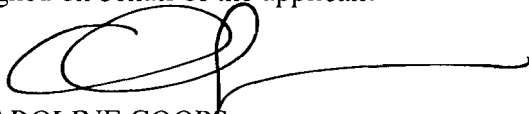
**7 Further information**

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

Caroline Coops  
Partner  
Mallesons Stephen Jaques  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000  
Tel: 9643 4097

Dated 5 September 2008.

Signed on behalf of the applicant



**CAROLINE COOPS**  
Partner  
**Mallesons Stephen Jaques**



## DIRECTIONS

- 1 In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.
- 2 Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
- 3 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.
- 4 Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
- 5 If particulars of a condition or of a reason of the type referred to in section 47 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.
- 6 Describe the business or consumers likely to be affected by the conduct.
- 7 State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
- 8 Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
- 9 Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
- 10 Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.