

SUNCORP

11 September 2009

FILE No:

DOC:

MARS/PRISM:

Dr Richard Chadwick  
General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

Dear Dr Chadwick

**Notification of possible third line forcing by Suncorp-Metway Ltd**

Please find attached a notification of exclusive dealing (Form G) relating to possible third line forcing conduct by Suncorp-Metway Ltd. We also **attach** a cheque for the filing fee of \$100.

If you have any questions, please do not hesitate to contact Brad Lynch on (07) 3835 5122.

Yours faithfully



**Brad Lynch**  
Deputy General Counsel – Banking  
Group Legal Suncorp

AUST. COMPETITION &  
CONSUMER COMMISSION  
CANBERRA

17 SEP 2009

**Form G**

Commonwealth of Australia

*Trade Practices Act 1974 - sub-section 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:**  
(Refer to direction 2)

N94165 Suncorp-Metway Ltd ABN 66 010 831 722 (the **Applicant**).

- (b) **Short description of business carried on by that person:**  
(Refer to direction 3)

Banking

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

Level 18  
Suncorp Centre  
36 Wickham Terrace  
BRISBANE QLD 4000

**2. Notified arrangement**

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

Banking.

- (b) **Description of the conduct or proposed conduct:**  
(Refer to direction 4)

- (1) The Applicant proposes to, from time to time, give or allow, and offer to give or allow a discount, allowance, rebate, or credit in relation to the supply or proposed supply of banking related goods and services (or certain banking-related goods and services) (**Banking Products**) on the condition that the person who acquires the Banking Products will acquire a Suncorp Clear Options Credit Card issued by Citigroup Pty Limited ABN 88 004 325 080 (**Citigroup**).
- (2) The Applicant may from time to time refuse to give or allow a discount, allowance, rebate or credit in relation to the supply of Banking Products, for the reason that the

person wishing to acquire the Banking Product has not acquired or agreed to acquire a Suncorp Clear Options Credit Card issued by Citigroup.

**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 5)*

Consumers of Banking products.

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

**(i) At present time:**

Currently approximately 5000 of the Applicant's customers are customers who would be entitled to an allowance in the form of payment of the annual credit card fee if they also have a Suncorp Clear Options Credit Card issued by Citigroup.

**(ii) Estimated within the next year:**

*(Refer to direction 6)*

Approximately 1200

**(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 7)*

The principal public benefit of the notified conduct is reducing the overall cost to customers who acquire the relevant Banking Products from the Applicant and a Suncorp Clear Options Credit Card from Citigroup

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

The Applicant relies on the arguments set out in item 4(a).

**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 8)*

The market for the supply of banking products and services (including credit cards).

## **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 9)*

The Applicant considers that any public detriment is likely to be minimal (if any) for the following reasons:

- The Applicant's customers are not obliged to acquire a credit card from Citigroup, they are free to acquire a credit card from another financial services provider (of which there are many in a competitive market) or not acquire a credit card at all.
- The notified conduct is not designed to allow the Applicant to refuse to offer Banking Products to any person. The issue relates only to whether the customer is eligible for a discount, allowance, credit or rebate.
- The conduct is unlikely to appreciably affect competition in the market for banking products (including credit cards) which is very competitive

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

The Applicant relies on the arguments set out in 6(a).

## **7. Further information**

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

Mr Brad Lynch  
Deputy General Counsel - Banking  
Suncorp  
Level 18  
Suncorp Centre  
36 Wickham Terrace  
BRISBANE QLD 4000  
Tel: (07) 3835 5122  
E-mail: Bradley.lynch@suncorp

Dated 1 July 2009

Signed on behalf of the applicant

  
(Signature)

Barbara O'Connor Nash

(Full Name)

Suncorp-Metway Ltd

(Organisation)

Executive Manager-Regulatory Change

(Position in Organisation)

## 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.

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.

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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. 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.
5. Describe the business or consumers likely to be affected by the conduct.
6. 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.
7. 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.
8. 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.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible