

Your Ref: GCG:PXG:9999999
Our Ref: C2009/62
Contact Officer: John Rouw
Contact Number: (03) 9290 1402



**Australian
Competition &
Consumer
Commission**

4 February 2009

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Dear Ms Gilardoni

Third line forcing notification N93735 lodged by Westpac Banking Corporation

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 30 December 2008.

Westpac proposes to enter an agreement with HSBC Bank Australia Limited under which a HSBC Bank customer using a Westpac ATM will not be charged for the use of that ATM. Customers of other banks using Westpac ATMs are expected to be charged an amount (a Direct Charge Fee) for use of Westpac ATMs, pursuant to reforms to the ATM system expected to be implemented in March 2009.

Legal immunity conferred by the notification commenced on 13 January 2008.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage. As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that Westpac and HSBC will disclose all relevant terms and conditions to prospective customers.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact John Rouw on (03) 9290 1402.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick'.

Dr Richard Chadwick
General Manager
Adjudication Branch