



FILE No:	
DOC:	
MARS/PRISM:	

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:*

N94028

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 Retail Products. ANZ's Retail Products division provides prepaid cards to corporate and 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:*

Reloadable prepaid Visa cards offered by ANZ to retail customers.

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

ANZ proposes to launch a reloadable prepaid Visa card (**MySpace Prepaid Card**) in conjunction with Fox Interactive Media Australia Pty Limited ABN 27 122 967 239 (**FIM**) trading as MySpace Australia (**MySpace**).

In order to purchase a MySpace Prepaid Card, consumers will be advised that they must have a MySpace user account in Australia.

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 class of persons affected or likely to be affected are consumers who wish to purchase a MySpace Prepaid Card.

(b) *Number of those persons:*

(i) *At present time:*

Nil.

(ii) *Estimated within the next year:*

Approximately 50,000.

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

N/A

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 competitors of MySpace and prompt competitors of MySpace to provide pro-competitive value added benefits to their customers.

The proposed conduct will also benefit the public as it will promote competition amongst competitors of ANZ by prompting competitors of ANZ to partner with other product or service providers to provide additional benefits to their customers.

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

Customers who successfully apply for a MySpace Prepaid Card will receive a direct benefit in the form of:

- Discount vouchers and promotional vouchers for redemption in MySpace merchant partner retail or online stores;
- Free mobile credit;
- Exclusive prizes and experiences from MySpace partners and advertisers; and
- Subject to further development, credit transferred directly onto the MySpace Prepaid Card for redemption at retail or online stores.

As a result, competitors of MySpace may consider offering similar benefits 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):

Prepaid cards are issued by a number of issuers in Australia including Heritage Building Society, Commonwealth Bank of Australia, Westpac Banking Corporation and Credit Union Services Corporation (Australia). Whilst some of the prepaid card offerings are co-branded, none of the prepaid card issuers offer benefits, discounts and rewards. There is a great deal of competition between prepaid 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:*

Rebecca Tsang
Australia and New Zealand Banking Group Limited
Level 14, 100 Queen Street
Melbourne Vic 3000
Phone: 03 9683 8871
Fax: 1800 030 962
Email: Rebecca.Tsang@anz.com

Dated 29 June 2009

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


Rebecca Tsang
Corporate Lawyer, Retail Products

