



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1366
Contact Officer: Jackson Mallory
Contact Number: (02) 6243 1061

7 August 2009

Nick Taylor
Partner
Gilbert + Tobin
2 Park Street
SYDNEY NSW 2000

Dear Mr Taylor

Third line forcing notification N94045 lodged by Macquarie Bank Limited

I refer to the above third line forcing notification lodged by Macquarie Bank Limited (Macquarie) with the Australian Competition and Consumer Commission (the ACCC) on 17 July 2009. The notification has been placed on the ACCC's public register.

You have described the notified conduct in the following terms:

Macquarie intends to offer its customers an internet-only payment or processing facility (Internet Merchant Service), which may be acquired on its own or in addition to merchant services for card present transactions.

If a merchant acquires the Internet Merchant Service, Macquarie will require the merchant also acquire the services of a gateway provider to ensure the safety and integrity of the internet transactions to be processed by the merchant. Macquarie will refuse to supply Internet Merchant Services to merchants that have not agreed to acquire the services of a gateway provider approved by Macquarie.

Legal immunity conferred by the notification commenced on 31 July 2009.

On the basis of the information that you have provided, it is not intended that further action be taken on 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 Macquarie 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 Jackson Mallory on (02) 6243 1061.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written on a light grey rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch