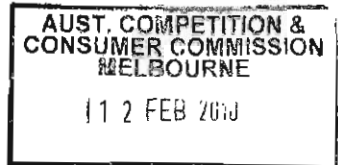


Form G

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:*

N94468

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 credit cards to 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:*

Credit cards offered by ANZ to retail customers.

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

Moss Capital is establishing a program with a network of retailers and manufacturers (approved by ANZ) where customers will have the option to finance the purchase and installation of a solar hot water unit (up to the value of \$6,000) using the ANZ First credit card. Approved customers can purchase the solar hot water with the credit card (subject to the approved credit limit) and transfer the purchase to a promotional interest rate of 4.99% pa for 6 months. The annual fee is waived in the first year. After this time the promotional interest rate on the purchase will revert to the standard purchase interest rate applicable on the card.

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 classes of persons affected or likely to be affected are ANZ credit cardholders who purchase select solar hot water units from ANZ approved retailers and manufacturers that are introduced to ANZ by Moss Capital.

(b) *Number of those persons:*(i) *At present time:*

Nil.

(ii) *Estimated within the next year:*

Approximately 1,000 approved cardholders are expected to be acquired over this period.

(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:*

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

- promote competition amongst credit card issuers and prompt competitors of ANZ to provide pro-competitive value added benefits to their credit card customers;
- promote environmentally sustainable energy solutions; and
- promote competition and place downward pressure on pricing for solar hot water products and services.

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

- Qualifying customers could receive a direct benefit in the form of a reduced interest rate for the period of 6 months and a first year annual fee waiver, subject to the customer notifying ANZ they wish to transfer their purchase to the promotional interest rate plan.

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):

Most major credit card issuers in Australia partner with suppliers of one form or another as part of their credit card offerings including National Australia Bank, Citibank, Westpac, Commonwealth Bank of Australia and ANZ. Credit card issuers offer benefits, discounts and rewards for a variety of reasons, the most significant of which is to encourage loyalty to their brand. There is a great deal of competition between credit 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:*

3.

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:*

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Dated 12/2/10

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



Mark D'Arcangelo
Corporate Lawyer
Retail Products

