



**Australian  
Competition &  
Consumer  
Commission**

Your Ref: ECS/SUNC2793-9070283  
Our Ref: 42245 C2010/522  
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24 June 2010

Eddie Scuderi  
Partner  
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**By email: [eddie.scuderi@corrs.com.au](mailto:eddie.scuderi@corrs.com.au)**

Dear Mr Scuderi

**Suncorp-Metway Ltd and Bendigo & Adelaide Bank Ltd – application for  
authorisations A91232 and A91233 – request for interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for authorisation lodged by Suncorp-Metway Ltd and Bendigo & Adelaide Bank Ltd on 31 May 2010. A copy of the ACCC's decision is attached.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

**Next steps**

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the applicants and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both the applicants and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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 blue ink, consisting of a large, stylized 'R' followed by a long horizontal stroke that tapers to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch



## **Suncorp-Metway Ltd and Bendigo & Adelaide Bank Ltd – applications for authorisation A91232 and A91233 – interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the applications for authorisations lodged by Suncorp-Metway Ltd and Bendigo & Adelaide Bank Ltd (the applicants) on 31 May 2010.

In broad terms, the applicants are seeking authorisation to agree not to direct-charge each other's cardholders for ATM transactions undertaken at their ATMs.

### **Interim authorisation**

Interim authorisation, pursuant to section 91(2)(d) of the *Trade Practices Act 1974* (the Act), protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the Act while the ACCC considers and evaluates the merits of the application. The decision on interim authorisation in no way binds the ACCC in its consideration of the merits of the substantive applications.

### **Reasons for decision**

The arrangements are proposed pursuant to reforms to the ATM system that took effect from 3 March 2009.

The ACCC considers that the protection provided by interim authorisation will allow the applicants to provide their cardholders with access to a wider range of ATMs without incurring a direct charge now that these reforms have taken effect.

Absent the ability to offer their customers access to direct fee free transactions through a reasonable network of ATMs, smaller financial institutions may be at a competitive disadvantage to larger financial institutions under the reforms.

### **Reconsideration of decision**

Interim authorisation will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.

24 June 2010