

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

N99566 Thrive Refugee Enterprise Ltd ABN 50 612 682 381 (**Thrive**)

- (b) Short description of business carried on by that person:
(Refer to direction 3)

Thrive seeks to align corporations, former refugees and the general community to support refugees/ asylum seekers and their economic and social contribution to Australia. A key objective of Thrive is to provide microfinance and mentoring support for those refugees and asylum seekers who aspire to become self-employed in Australia.

In order to provide its services, Thrive needs financing. To this effect, Westpac Banking Corporation ABN 33 007 457 141 (**Westpac**) will provide Thrive with an overdraft facility to allow Thrive to provide microfinance in the form of business loans to refugees/ asylum seekers in Australia.

- (c) Address in Australia for service of documents on that person:

Samantha Hellen
Chief Operating Officer
Thrive Refugee Enterprise Pty Ltd
Level 2, 75 George Street
Parramatta NSW 2150

2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

This notice relates to the supply of business loans by Thrive to refugees/ asylum seekers for business purposes.

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

(Refer to direction 4)

Thrive will supply a business loan to qualifying refugees/ asylum seekers on condition that those refugees/ asylum seekers will open and maintain a business transaction account with Westpac (with respect to which the monthly fee will be waived). The funds to be lent to these refugees/asylum seekers will be deposited into that account.

Thrive may also refuse to supply business loans to refugees/ asylum seekers if they do not have a business transaction account with Westpac.

The proposed conduct may amount to a contravention of s47(6) and 47(7) of the *Competition and Consumer Act 2010*.

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:
(Refer to direction 5)

Refugees/ asylum seekers looking to acquire business loan services.

- (b) Number of those persons:

- (i) At present time:

0

- (ii) Estimated within the next year:
(Refer to direction 6)

70

- (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:
(Refer to direction 7)

Refugees and asylum seekers tend to be socially disadvantaged and, as a consequence, highly marginalised. However, many of these individuals have valuable business skills that can be used for their personal benefit, the benefit of their communities and Australia as a whole. For those skills to be put into practice, though, finance is often needed but the very circumstances that make people into refugees and asylum seekers means that such finance is rarely available through commercial channels.

Thrive seeks to bridge that gap by making sure that qualifying refugees and asylum seekers have access to appropriate finance and thus the opportunity to develop their business and ultimately achieve economic independence and prosperity in Australia.

Thus the main public benefits of the proposed conduct are:

- it makes it possible for socially disadvantaged individuals to have the opportunity to access finance on terms that would not be available commercially;
- it gives these individuals the opportunity to achieve financial independence;
- any measure of financial prosperity amongst these individuals is likely to have a positive impact on the entire community to which they belong;
- it helps to reduce marginalisation amongst refugees and asylum seekers, and the social costs associated with it (which costs affect not just the individuals themselves but the entire society).

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

As set out above.

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):
(Refer to direction 8)

The proposed conduct relates to the market(s) in which commercial business loans are offered to refugees/ asylum seekers in Australia.

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:
(Refer to direction 9)

There will be no public detriment resulting from the proposed conduct:

- refugees/ asylum seekers are not obliged to take up business loan services from Thrive;

- refugees/ asylum seekers will remain free to take up business loan services from other suppliers (if they qualify and if any are available); and
- there will be no adverse impact on competition as competitors of Thrive would remain free to supply business loan services to refugees/ asylum seekers.

(b) Facts and evidence relevant to these detriments:

As set out above.


7. Further information

(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Samantha Hellen
Chief Operating Officer
Thrive Refugee Enterprise Pty Ltd
Tel: +61 427 238 664
Email: shellen@tre.org.au

Dated.....9/2/17.....

Signed by/on behalf of the applicant:


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Samantha Hellen
Thrive Refugee Enterprise Pty Ltd
Chief Operating Officer

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.