

# 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)*

N99518 Australia and New Zealand Banking Group Limited ABN 11 005 357 522  
(ANZ)

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

Supply of consumer financial products and services and credit facilities, including but not limited to the issuance of credit card accounts.

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

Level 6

ANZ Centre

833 Collins Street

Docklands VIC 3008

Attention: Brett Smith

Senior Cards Portfolio Manager

## 2. Notified arrangement

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

Credit card accounts offered to retail customers by ANZ (**ANZ Card account**).

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

From time to time, ANZ, in conjunction with Coles Supermarkets Australia Pty Ltd (**Coles**), giving or allowing, or offering to give or allow, incentives to eligible ANZ customers who make purchases, or make purchases up to a

required spend threshold from Coles, using their ANZ Card account. Incentives include credits to the ANZ Card account (eg. \$100 for spending \$300), discounts, rebates, bonuses and promotional gifts (eg. vouchers, gift cards).

ANZ, in conjunction with Coles, refusing to give or allow an incentive to eligible ANZ customers who have not made purchases, or have not made purchases up to the required spend threshold from Coles using their ANZ Card account.

The proposed conduct, like existing loyalty or reward programmes offered by credit card issuers in the Australian marketplace, provides a benefit in return for holding and using a credit card issued by a particular card issuer.

ANZ is concerned that the conduct described above could be viewed as a technical contravention of sections 47(6) and (7) of the *Competition and Consumer Act* (“**the Act**”).

Whilst ANZ does not necessarily consider that this correctly characterises the conduct, it recognises that it is open to being characterised in this way. Accordingly, out of an abundance of caution and in order to minimise the risk of contravening sections 47(6) and (7) of the Act, ANZ wishes to notify the conduct under section 93(1) of the Act.

**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:  
Eligible ANZ customers who use their ANZ Card account to make purchases from Coles.
- (b) Number of those persons:
  - (i) At present time:  
Nil
  - (ii) Estimated within the next year:  
In excess of 1,200
- (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:  
*(Refer to direction 7)*

ANZ submits that the conduct in question will not adversely affect competition in any relevant market and the conduct in question will result in public benefits and no identifiable public detriment.

The notified conduct is pro-competitive and will generate the following public benefits:

- provide eligible ANZ customers with the opportunity to obtain benefits such as credits to their ANZ Card account or discounts when they purchase goods from Coles; and
- increase competition in the markets described at 5 below and encourage ANZ's competitors to offer similar benefits to customers.

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

The notified conduct offers eligible ANZ customers the opportunity to obtain a benefit, such as a genuine credit, discount or rebate by using their ANZ Card account to make purchases from Coles.

## 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)*

ANZ considers that the relevant markets for assessing this notification are:

- The retail market for financial products and services, specifically consumer credit cards. This market is highly competitive and characterised by relatively low levels of concentration, with a diverse range of services and continuing innovation and product development.

ANZ is only one of a number of providers of consumer credit cards, with other providers including the Commonwealth Bank of Australia, National Australia Bank, Westpac and GE Money. This market is likely to remain competitive for the foreseeable future. Accordingly, we do not consider that the notified conduct will distort demand, create barriers to entry or otherwise harm competition in the market.

## 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)*

ANZ submits that the notified conduct is unlikely to have any public detriment.

- (b) Facts and evidence relevant to these detriments:

Eligible customers are free to choose whether or not to make purchases from Coles. There is also no restriction on non-ANZ customers making purchases from Coles.

**7. Further information**

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

Brett Smith

Senior Cards Portfolio Manager

ANZ

Level 6

833 Collins Street

Docklands

VIC 3008

Ph: 0411 282 738

Dated 19 of December 2016

Signed by/on behalf of the applicant

.....  
(Signature) 

.....  
(Full Name) Brett Smith

(Organisation) ANZ

(Position in Organisation) Senior Portfolio Manager