

Partner  
Contact

Elizabeth Avery  
Haidee Leung

Our ref

EMA:HHL:1056455



L 35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue,  
Barangaroo NSW 2000 AUS  
T +61 2 9263 4000 F +61 2 9263 4111  
www.gtlaw.com.au

**4 March 2024**

By email: lyn.camilleri@accg.gov.au

Lyn Camilleri  
General Manager  
Competition Exemptions

Dear Ms Camilleri

### **Commonwealth Bank of Australia & Ors application for authorisation AA1000640**

We refer to:

- the application for authorisation dated 17 April 2023 lodged by the Commonwealth Bank of Australia, Westpac Banking Corporation, Australia and New Zealand Banking Group Limited, National Australia Bank Limited and Macquarie Bank Limited (the **Applicants**);
- the Australian Competition and Consumer Commission's (**ACCC**) draft determination, dated 18 October 2023 in relation to the Application; and
- the Applicants' letter to ACCC dated 13 December 2023 enclosing their response to the ACCC's draft determination and proposed modifications to the Aggregator Assurance Program.

#### **1 Revised Program Documentation**

We enclose the following documents, to reflect the Applicants' further proposed modifications to the Aggregator Assurance Program:

- public and confidential versions of the updated Unincorporated Joint Venture Deed (**UJV Deed**); and
- a public version of the revised Review Scope (to be inserted as Schedule 2 of the UJV Deed, once finalised).

The public versions of these documents may be published on the ACCC's public register.

#### **2 Confidentiality claims**

The confidential version of the Applicants' the UJV Deed contain information that is identified and marked as confidential to one or more Applicant for the reasons set out in **Confidential Schedule A**. We request that the ACCC treat such information (including copies of such information in Confidential Schedule A) as confidential and that it be excluded from the ACCC's public register on the following terms:

- there is no restriction on the internal use, including future use that the ACCC may make of confidential information consistent with the ACCC's statutory functions;

- confidential information may be disclosed to the ACCC's external advisors and consultants on the condition that each such advisor or consultant will be informed of the obligation to treat the information as confidential;
- the ACCC may disclose the confidential information to third parties (in addition to its external advisors or consultants) if compelled by law or in accordance with section 89(7) or section 155AAA of the Act.

Yours sincerely



**Elizabeth Avery**  
Partner



**Haidee Leung**  
Special Counsel

