

JOHNSON WINTER & SLATTERY  
L A W Y E R S



Partner: Aldo Nicotra 02 8274 9536  
Email: aldo.nicotra@jws.com.au  
Associate: Elizabeth Hersey 02 8274 9503  
Email: elizabeth.hersey@jws.com.au  
Our Ref: A1625  
Doc Ref: 58500493

FILE No:
DOC:
MARS/PRISM:

30 October 2008

Dr Richard Chadwick  
General Manager, Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

Dear Dr Chadwick

**ING Life - Notification of Potential Third Line Forcing Exclusive Dealing Conduct**

We act for ING Life Limited ABN 33 009 657 176 (ING Life).

ING Life proposes to engage in conduct which may constitute exclusive dealing within the meaning of section 47(6) and (7) of the *Trade Practices Act 1974 (Act)*. ING Life therefore wishes to notify the ACCC of this proposed conduct under section 93 of the Act.

We enclose for lodgement an exclusive dealing notification on behalf of our client together with a cheque for the applicable lodgement fee of \$100.00.

Please do not hesitate to contact Aldo Nicotra or Elizabeth Hersey of this office should you have any queries or comments.

Yours faithfully

Level 30, Australia Square, 264 George Street  
SYDNEY NSW 2000  
Telephone: +61 2 8274 9555 ■ Facsimile: +61 2 8274 9500

[www.jws.com.au](http://www.jws.com.au)

SYDNEY ■ MELBOURNE ■ ADELAIDE ■ PERTH  
Liability limited by a scheme approved under Professional Standards Legislation

COMMONWEALTH OF AUSTRALIA  
TRADE PRACTICES ACT 1974 – Subsection 93(1)  
EXCLUSIVE DEALING NOTIFICATION

**TO THE AUSTRALIAN COMPETITION & CONSUMER COMMISSION:**

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 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 (a) Name of person giving notice:**

N93635 ING Life Limited (ABN 33 009 657 176) (ING Life)

**(b) Short description of business carried on by that person**

ING Life provides life insurance and related products to individuals and businesses.

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

C/- Aldo Nicotra  
Johnson Winter & Slattery  
Level 30  
264 George Street  
SYDNEY NSW 2000

**2 (a) Description of the goods or services in relation to the supply or acquisition of which this application relates:**

ING Life supplies life insurance products including term and trauma insurance, accidental death & disability and underwrites the life components of consumer credit insurance which include credit card, loan and mortgage protection insurance (“insurance products”).

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

ING Life insurance products are sometimes badged and sold through different distribution channels such as the ANZ Bank. Where the insurance products are distributed through the ANZ Bank, the products are sometimes badged as ANZ insurance products.

ING Life is the underwriter for the life components of “ANZ Mortgage Protection” which is a consumer credit insurance supplied or offered through the ANZ Bank with a premium discount. The discount provided by ING Life is only available to customers who have the “ANZ Breakfree Package”, which is a package of three ANZ products: an ANZ mortgage, credit card and transaction account.

From time to time, the discounts or offers for this package may be revised. That is, ING Life proposes to enter into arrangements with ANZ Bank pursuant to which ING Life will:

- i. give or allow or offer to give or allow a discount, allowance, rebate or credit, including free or bonus offers, in relation to ING Life products on the condition that the customer acquires an ANZ product or service;

- ii. refuse to give or allow a discount, allowance, rebate or credit, including free or bonus offers, in relation to ING Life products for the reason that the customer has not acquired or has not agreed to acquire an ANZ product or service.

**3 (a) Class or classes of persons to which the conduct relates:**

New and existing customers of ING Life and ANZ Bank

**(b) Number of those persons**

**i. At present time:**

More than 50

**ii. Estimated within the next year:**

More than 50

**(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:**

Not Applicable

**4 (a) Arguments in support of notification:**

The proposed conduct will be of benefit for several reasons, including:

- i. It will reduce costs for customers who may be otherwise unable to negotiate discounts or other benefits in relation to ING Life products on their own behalf;
- ii. The promotion of competition by encouraging competitors to offer similar discounts; and
- iii. The provision to customers of the opportunity to obtain ING Life products at discounted rates or with other benefits.

Consumers can still acquire the life insurance products from ING Life and ING Life is not restricted in offering similar benefits and discounts to other consumers from time to time.

Consumers can also acquire life insurance from a large number of entities in the market all of which compete vigorously for provision of these services. Consequently there are a large number of competitive packages available to the public in relation to life insurance at any given time.

**5 (a) Market Definition**

The market to which the proposed offer relates is the market in Australia for the provision of life insurance products to consumers. This market is highly competitive and ING Life has no market power.

**6 (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:**

The proposed conduct will not result in any detriment to the public. Customers are not compelled to acquire ING Life products. There is no compulsion to obtain the insurance, and likewise no compulsion to obtain the ANZ products in order to obtain the ING Life products at the normal competitive price.

Competition in the relevant market is vigorous and there are many competitors who are able to provide competing products. Provision of ING Life products at a discount will not affect any relevant market.

While the particular discount described above will only be available to customers who have the ANZ mortgage, credit card and transaction account, ING Life is still free to offer other discounts and special benefits to new and existing customers from time to time.

Disclosure of the conditions for eligibility will be made allowing a fully informed choice by the customer pursuant to the terms of the *Corporations Act*.

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

Aldo Nicotra  
Johnson Winter & Slattery  
Level 30  
264 George Street  
SYDNEY NSW 2000

Dated 31 October 2008

Signed on behalf of the applicant

  
.....  
(Signature)



  
.....  
(Full Name)

Johnson Winter & Slattery  
(Organisation)

Partner  
(Position in Organisation)