

Medibank Private Limited
ABN 47 080 890 259

GPO Box 9999
in your capital city
Telephone: 132 331
medibank.com.au

8 August 2008

Regional Director
Australian Competition and
Consumer Commission
GPO Box 520
Melbourne VIC 3001

FILE No:	
DOC:	
MARS/PRISM:	

Dear Sir/Madam

Notification of Third Line Forcing Exclusive Dealing

Please find enclosed for lodgement Form G Notification of Exclusive Dealing on behalf of Medibank Private Limited together with lodgement fee of \$100.

If you have any queries please do not hesitate to contact me on (03) 8622 5303.

Yours sincerely,

Nicola Anderson
Legal Counsel

Email: nicola_anderson@medibank.com.au

Form G
Commonwealth of Australia
Trade Practices Act 1974 - 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 *Trade Practices Act 1974*, 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)

N93540 Medibank Private Limited ABN 47 080 890 259 (**Medibank Private**).

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

Medibank Private provides private health insurance and travel insurance.

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

C/ - Nicola Anderson
Medibank Private
Level 17/700 Collins Street
Docklands Vic 3008

2 Notified arrangement

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

Rugby League Professionals Association ABN 46 497 036 822 (**RLPA**) is the official body representing players in the National Rugby League, NSW Cup and National Youth Competition and also provides various benefits to its members.

Medibank Private proposes to enter into an agreement with the RLPA under which members of the RLPA will be eligible to receive discounted premiums on Medibank Private health insurance (**Agreement**).

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

In undertaking the Agreement, Medibank Private proposes to:

- (i) give or allow, or offer to give or allow, a discount in relation to Medibank Private health insurance premiums to persons on the condition that those

persons acquire or agree to acquire membership services from the RLPA;
and

- (ii) refuse to give or allow, or offer to give or allow, a discount in relation to Medibank Private health insurance premiums to persons for the reason that those persons have not acquired or have not agreed to acquire membership services from the RLPA.

(Refer to direction 4)

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)

Current and new members of Medibank Private who acquire membership services from the RLPA.

- (b) Number of those persons:

- (i) At present time:

Four (4).

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

Eight (8).

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

Scott Minto:

Paul Bowman:

Shayne Dunley:

Adam Perry:

**EXCLUDED FROM
PUBLIC REGISTER**

4 Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

Medibank Private submits that the proposed conduct will be of benefit to the public because it will allow current and new members of Medibank Private who acquire membership services from the RLPA to receive a discount on Medibank Private health insurance premiums.

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

Medibank Private submits that the proposed conduct:

- (i) is designed to encourage members of the RLPA to take up private health insurance by offering them discounted premiums with Medibank Private;
- (ii) does not compel members of the RLPA to take up private health insurance with Medibank Private, or private health insurance at all; and
- (iii) may also encourage other private health insurance providers to offer similar benefits and therefore encourage additional competition that is likely to benefit consumers.

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 relevant markets are the markets for the provision of private health insurance and sporting association membership services in Australia.

Competition in the relevant markets is vigorous and many competitors currently do, or from time to time may, engage in conduct similar to the proposed conduct and in competition with the proposed conduct.

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)

Medibank Private submits that no public detriment would be likely to result from the proposed conduct.

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

Medibank Private submits that the proposed conduct will not lessen competition because:

- (i) competition in the relevant markets is vigorous;
- (ii) RLPA members are under no obligation to take up private health insurance with Medibank Private, or private health insurance at all;
- (iii) the number of persons potentially affected by the proposed conduct is insignificant to the total number of persons who acquire private health insurance products; and
- (iv) RLPA members may acquire their private health insurance services from a wide range of other suppliers.

The benefits of the proposed conduct will outweigh any possible detriment considered to arise from the proposed conduct.

7 Further information

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

Nicola Anderson
Medibank Private
Level 17/700 Collins Street
Docklands Vic 3008
03 8662 5303

Dated 8 August 2008

Signed by/on behalf of the applicant



(Signature)

Nicola Anderson

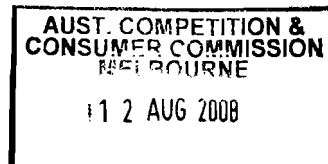
(Full Name)

medibank private limited

(Organisation)

legal counsel

(Position in organisation)



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 *Trade Practices Act 1974* 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.