

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)

N95400 GMHBA Limited (**GMHBA**) (ACN 004 417 092)

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

GMHBA is a registered health benefits organisation under the National Health Act 1953 (Cth) and provides private health insurance services.

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

C/- Ms Robyn Baker
Partner
Clayton Utz
Level 18
333 Collins Street
MELBOURNE VIC 3000

2. Notified arrangement

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

This notification relates to the supply of health insurance products to customers seeking to take out health insurance policies.

- (b) **Description of the conduct or proposed conduct:**
(Refer to direction 4)

The proposed conduct involves the offer by GMHBA of discounts, rebates or credits to actual or potential customers on the condition that those customers acquire membership services from the Royal Automobile Club of Tasmania Limited (ABN 62 009 475 861) (**RACT**).

In particular, GMHBA intends to offer certain discounts, rebates or credits in

relation to the supply of health insurance products to actual and potential customers, on the condition that those customers acquire or have acquired membership services from the RACT.

Further, GMHBA proposes to refuse to give such discounts, rebates or credits to actual and potential customers who have not acquired a membership services from the RACT. In other words, the discounts, rebates or credits will be available exclusively to RACT members.

Under the proposed arrangement, RACT would act as GMHBA's agent in promoting and offering health insurance products in Tasmania. GMHBA's health insurance products would be offered by RACT staff in RACT retail centres (with the aforementioned discounts, rebates or credits) to anyone who acquires (or has acquired) membership services from the RACT.

In addition, GMHBA would offer health insurance products online and over the phone (with the aforementioned discounts, rebates or credits) to anyone who acquires (or has acquired) membership services from the RACT.

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)

The proposed conduct relates to current and future members of RACT.

(b) Number of those persons:

(i) At present time: 170,000

(ii) Estimated within the next year: 171,700

(Refer to direction 6)

(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)

GMHBA considers that the conduct will provide the following benefits:

- a consumer benefit by giving members of the RACT the opportunity to acquire discounted health insurance products (as an additional benefit to those already provided through membership with the motoring association); and
- a market benefit by increasing competition in the market for health insurance products.

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

Not applicable.

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)

GMHBA considers that the relevant market is the national market for the supply of health insurance services.

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)

GMHBA is not aware of any detriments that are likely to flow from the proposed conduct. Members of the RACT are not compelled to acquire any products from GMHBA. Rather, the proposed conduct merely offers members of the RACT certain discounts, rebates or credits in the event that they do wish to acquire health insurance products from GMHBA.

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

Not applicable.

7. Further information

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

Ms Robyn Baker
Partner
Clayton Utz
Level 18
333 Collins Street
MELBOURNE VIC 3000
Telephone: (03) 9286 6338

Dated.....18/5/2011.....



Signed on behalf of the applicant by:

.....*N.A. Baker*.....
Ms Robyn Baker
Partner, Clayton Utz
Solicitors for GMHBA

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.