

20 September 2011



Australian Competition and Consumer Commission
GPO BOX 3648,
Sydney, NSW 2001

FILE No:
DOC:
MARS/PRISM:

To whom it may concern,

Subject: Marsh Insolvency Practitioners Conduct

Please find the attached cheque payment.

Yours faithfully,

Mony Seam
Financial Analyst, National Operations
Broker & Agency Division
Allianz Australia Insurance Ltd | 2 Market Street, Sydney NSW 2000
Ph: +61- 2 - 9390 6151 | Fax: +61 - 2 - 8258 5058
E-mail: Mony.Seam@allianz.com.au

Enclosure (1)

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 in 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:

N95573

Allianz Australia Insurance Limited

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

General Insurer

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

The Company Secretary

Allianz Australia Insurance Limited

Level 12,2 Market Street

Sydney NSW 2000

2. Notified arrangement

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

The supply of insurance services to insolvency practitioners.

The supply of insurance cover to insolvency practitioners.

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

Allianz is offering to supply insurance cover to insolvency practitioners in this pre-approved facility on the condition that the insolvency practitioner must have that cover arranged by Marsh Pty Ltd (*Proposed Conduct*).

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:

Insolvency practitioners.

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CONSUMER COMMISSION
CANBERRA

27 SEP 2011

(b) Number of those persons:

(i) At present time:

Allianz is not in a position to know the exact or approximate number of individual insolvency practitioners at the present time.

(ii) Estimated within the next year:

As for (i).

(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:

Marsh offers insurance broking services to insolvency practitioners (and eventually to the company in administration, receivership or liquidation). The insurance covers the liability of the insolvency practitioner in respect of the performance of their role as a court appointed administrator. In the ordinary course, there is a delay between the insolvency practitioner's appointment as an administrator, receiver or liquidator and the date on which the insolvency practitioner's insurance cover will commence. The delay arises by reason of the need for the insolvency practitioner to seek approval from the insurer which may take up to 7 days.

Given this, Marsh has negotiated with Allianz the terms on which Allianz will offer insurance cover to Marsh's insolvency practitioner clients which include a pre-approval facility (*Allianz's Pre-approved Coverage*). If the insolvency practitioner decides to acquire that cover, the practitioner will be covered from the date of its appointment as an administrator, receiver or liquidator. Allianz understands that a similar pre-approval facility is offered by other insurers to competing brokers and their clients.

Marsh will continue to offer its broker services to the practitioner where the practitioner does not wish to acquire Allianz's Pre-approved Coverage. In those circumstances, Marsh will not arrange contracts of insurance for the insolvency practitioner which are limited to those provided by Allianz.

The Proposed Conduct is in the public interest because it:

- will allow insolvency practitioners to obtain pre-approval for their insurance coverage so that they can have their insurance cover in place from the date they are appointed by a Court as an

administrator/receiver/liquidator in respect of an insolvent company;

- will allow Marsh to compete with brokers who also offer this type of facility to insolvency practitioners; and
- provides insolvency practitioners with greater choice in the insurance cover available to them, that is, they can acquire Allianz's Pre-approved Coverage or any other cover Marsh may be able to arrange from other insurers.

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

In relation to the public benefits claimed above, Allianz submits that:

- insolvency practitioners obtaining pre-approval for their insurance cover will result in a public benefit as it will remove any gap between the appointment of the insolvency practitioner and the date on which the insolvency practitioner's insurance coverage takes effect in which the insolvency practitioner would be uninsured; and
- its arrangements with Marsh are non-exclusive and similar products are offered by other insurers and may be offered by Allianz.

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):

The national market for the supply of insurance cover to insolvency practitioners.

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:

The Proposed Conduct will not result in any detriment to the public including any anticompetitive detriment because:

- Allianz understands that a similar facility is offered by other insurers to competing brokers and their clients;
- Marsh will continue to offer its broker services to the practitioner where the practitioner does not wish to acquire the cover and facility described above; and
- It does not prevent insolvency practitioners from obtaining cover (including pre-approval) from Allianz or other insurers.

(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:

Deborah Sorensen
 Allianz Australia Insurance Limited
 Level 13, 2 Market Street

Sydney NSW 2000

Dated... 21... July 2011.....

Signed by/on behalf of the applicant

.....
 (Signature)

.....
 (Full Name)

Allianz Australia Insurance Limited.....
 (Organisation)

Chief General Manager.....
 (Position in Organisation)

