

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)

N97153 Medibank Private Limited ABN 47 080 890 259 (“**Medibank**”).

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

Provision of private health and general insurance including pet insurance..

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

Nick Maplestone
Medibank Private Ltd
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:

Medibank provides private health insurance and general insurance which includes the provision of pet insurance.

Medibank proposes to enter into an agreement with Zoetis Australia Pty Ltd ABN 94 156 476 425 (**Zoetis**) under which customers who purchase the Revolution Flea & Heartworm Treatment (the “**Revolution Treatment**”) manufactured by Zoetis (the “**Customers**”) will be eligible to receive a discounted premium (the “**Benefit**”) on Medibank pet health insurance products.

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

In participating in the proposed conduct Medibank proposes to offer to supply and supply, the Benefit to Customers to promote the sale of its pet insurance product.

Medibank pet insurance is general insurance issued by the insurer The Hollard Insurance Company Pty Ltd (ACN 090 584 473) (Hollard), is promoted by Medibank and administered by PetSure (Australia) Pty Ltd (ACN 075 949 923) (PetSure). Medibank acts as an authorised representative of PetSure.

(i)

(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)

Customers who purchase the Revolution Treatment and who insure or wish to insure their pet under the Medibank pet health insurance policy.

(b) Number of those persons:

(i) At present time:

None.

(ii) Estimated within the next year:

(Refer to direction 6)

Unknown but greater than 50.

(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)

Medibank submits that the proposed conduct will be of benefit to the public because it will:

(i) allow Customers to receive a discount off their Medibank pet insurance premium;

(ii) promote competition in the pet insurance segment of the market by encouraging other pet insurance competitors to offer similar discounts to other customers.

The public benefits outlined above outweigh any potential public detriment which arise from the conduct.

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

Medibank submits that the proposed conduct:

- (i) is designed to encourage Customers to purchase pet insurance by offering them a discounted premium with Medibank;
- (ii) does not compel Customers to purchase pet insurance with Medibank, or pet insurance at all; and
- (iii) may also encourage other pet insurance providers to offer similar benefits and therefore encourage additional competition that is likely to benefit other 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 market is the market for the supply of pet insurance products and services.

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

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

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

- (i) Customers who purchase the Revolution Treatment are under no obligation to purchase Medibank pet insurance, or any pet insurance from any provider at all;
- (ii) Competition in the industry is not adversely affected by the proposed conduct;
- (iii) The pet insurance industry is competitive and there are other providers of similar pet insurance products available; and

(iv)

(v) Customers may acquire pet insurance from other pet insurance providers.

The applicant believes that 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:

Nick Maplestone
Medibank Private Limited
Level 17
700 Collins Street
Docklands Vic 3008
Ph: (03) 8622 5092

Dated

Signed by/on behalf of the applicant



(Signature)

Jacob Coker

(Full Name)

Medibank

(Organisation)

Portfolio Manager, Pet & Travel

(Position in organisation)