

**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)*

N99426 Australia and New Zealand Banking Group Limited ABN 11 005 357 522 trading as Esanda and as Australia and New Zealand Banking Group Limited (“ANZ”).

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

Provision of consumer and commercial credit facilities (“**Banking Products**”), to enable customers of ANZ to acquire and pay for Esanda branded insurance products issued by Allianz Australia Insurance Limited ABN 15 000 122 850 (**Allianz**) (or alternatively, ANZ branded insurance products of a similar nature issued by another issuer) relating to:

- (i) motor vehicles which are acquired with the use of a Banking Product (eg. comprehensive car insurance); and  
(ii) Banking Products provided in relation to motor vehicles (eg. loan protection insurance),

(“**Insurance Products**”).

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

ANZ Centre  
Level 9, 833 Collins Street  
Docklands Victoria 3008

**2. Notified arrangement**

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:
- Banking Products provided by ANZ.
  - Insurance Products.
  - insurance products.

- (b) Description of the conduct or proposed conduct:
- ANZ, from time to time, providing or offering to provide Banking Products to customers for the purpose of acquiring insurance products on the condition that customers will acquire the Insurance Products.
  - ANZ refusing to supply Banking Products to customers for the purpose of acquiring insurance products, for the reason that the insurance product is not an Insurance Product.

ANZ is concerned that the conduct described above could be viewed as a technical contravention of sections 47(6) and (7) of the *Competition and Consumer Act* (“**the Act**”).

Accordingly, in order to minimise the risk of contravening sections 47(6) and (7) of the Act, ANZ wishes to notify the conduct under section 93(1) of the Act.  
(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 of ANZ who wish to apply Banking Products for the purposes of financing insurance products

Insurers issuing insurance products

Insurers issuing Insurance Products

- (b) Number of those persons:

- (i) At present time:

In excess of 50

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

In excess of 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)

ANZ submits that the conduct in question will result in public benefits and no identifiable public detriment.

In particular, the notified conduct will generate the following public benefits:

- ensuring that customers have adequate and appropriate protection for their motor vehicles; and
- provide customers with a convenient opportunity to obtain appropriate insurance products without additional upfront costs which could arise if the insurance product was not financed using a Banking Product.

ANZ considers that these factors will ultimately lead to further consumer benefits by reducing risks to consumers associated with financing insurance products and with motor vehicle ownership.

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

ANZ will generally require purchasers of motor vehicles using Banking Products to hold appropriate insurance over the vehicle. The *National Consumer Credit Protection Act 2009* (Cth) provides that a credit provider may provide credit to a customer to finance the premium on insurance taken out by the customer over mortgaged property for a period of insurance not exceeding 1 year.

The conduct provides customers with the convenience of being able to arrange their insurance requirements at the same time that they finance the purchase of a motor vehicle using Banking Products. The conduct also decreases the risk to the customer that they might delay or forget to arrange appropriate insurance, which could result in a loss to the customer.

**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)*

ANZ considers that the relevant markets for assessing this notification are the retail market for insurance products, and the markets for Banking Products. These markets are highly competitive and characterised by relatively low levels of concentration, with a diverse range of services and continuing innovation in product development.

**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)*

ANZ believes that the notified conduct causes little, if any, identifiable detriment to the public, for the following reasons:

- i. Customers are not required to obtain Banking Products from ANZ (or any other finance products or services) when purchasing insurance products and may always pay for the insurance product separately.
- ii. ANZ is only one of many retailers of insurance products and ANZ is only one of a number of providers of Banking Products, with other providers of similar products in the market including St George, Macquarie, specialist car loan providers and banking institutions providing personal loans and car loans. These markets are likely to remain competitive for the foreseeable future.

Accordingly, ANZ considers that the conduct will not distort demand, create barriers to entry or otherwise harm competition in the market.

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

There are multiple suppliers of Banking Products in the market for Banking Products. There are also multiple suppliers of most types of insurance products in the retail market for insurance products.

**7. Further information**

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

Campbell Paterson

Head of Asset Finance

Level 3, 833 Collins Street

Melbourne Vic. 3000

(03) 8654-5222

Dated 10.11.2016

Signed by/on behalf of the applicant

(Signature)

Campbell Paterson

Australia and New Zealand Banking Group Limited

Head of Asset Finance

## 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 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.