

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:

N99085

Heffron Consulting Pty Ltd ACN 084 734 261

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

Heffron Consulting Pty Ltd (**Heffron**) provides high-quality advice and services to people managing their own superannuation and to the professionals who advise them.

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

Davin McPherson
Endeavour Advisory
37 Eleventh Avenue
Kedron QLD 4031

2. Notified arrangement

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

This notice relates to:

- (i) self-managed superannuation fund establishment services [and fund administration establishment services] provided by Heffron [including corporate trustee establishment; and
- (ii) financial products and services associated with self-managed superannuation funds including cash management and trading accounts provided and issued by [National Australia Bank Limited (**NAB**) ACN 12 004 044 937].

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

Heffron intends offering self-managed superannuation fund establishment services [and fund administration establishment services] to customers of

[NAB] at a particular price on conditions which include that the person to whom Heffron proposes to supply those services acquires cash management and trading products provided by [NAB].

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:

Customers of [NAB] who acquire self-managed superannuation fund establishment services [and fund administration establishment services] from Heffron and the trustees and members of the self-managed superannuation funds established by those customers.

(b) Number of those persons:

(i) At present time:

None

(ii) Estimated within the next year:

The number of customers is expected to be approximately [>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:

(i) Price A Consequence Of Several Conditions

There are several conditions which influence the price at which Heffron intends to offer self-managed superannuation fund establishment services [and fund administration establishment services] to customers of [NAB]. For example, customers must apply online using an online form and the self-managed superannuation fund establishment services [and fund administration establishment services] being offered represent a subset of those offered to the general public. The self-managed superannuation fund establishment services [and fund administration establishment services] which Heffron generally offers provide customers with the ability to select and configure various options which will not be available as part of the proposed conduct.

(ii) Efficiencies

[Heffron has established operational and administrative arrangements with [NAB] which allow it to provide self-managed superannuation fund establishment services [and fund administration establishment

services] at a lower cost. In order to accept the offer, [NAB] customers must agree to allow [NAB] and Heffron to share information (including the provision of electronic transaction data to Heffron). It is not possible for Heffron to offer the same price where customers obtain certain financial products and services associated with self-managed superannuation funds from third parties as, in the absence of those operational and administrative arrangements, the costs involved are higher. It is submitted that there is a public benefit in NAB's customers having the opportunity to take advantage of those efficiencies.]

(ii) Competition

There are a large number of providers of self-managed superannuation fund establishment services and a similarly large number of providers of financial products and services associated with self-managed superannuation funds.

Other self-managed superannuation fund establishment services could implement similar arrangements to the notified arrangement. Indeed, Heffron understands that a number of providers offer discounted fees for fund administration services where the client agrees to use financial products and services which generate a commission for the provider.

In this case, Heffron will not be entitled to any consideration from [NAB] nor will [NAB] receive any consideration from Heffron.

(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):

Markets relating to the establishment of self-managed superannuation funds.

These markets are highly competitive and are served by numerous providers.

Various markets relating to financial products and services associated with self-managed superannuation funds including cash management and trading accounts.

Each of these markets are generally highly competitive and are served by numerous providers.

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 notified arrangement will not result in any public detriment as:

- (i) customers of NAB who would like to receive self-managed superannuation fund establishment services [and fund administration establishment services] from Heffron will not be compelled to acquire financial products and services associated with self-managed superannuation funds from NAB. Those customers will simply not be able to receive those services from Heffron at the same price [due to the fact that the services provided as part of the offer are a subset of those generally offered and the costs involved in facilitating the use of the products and services provided by other third parties];
- (ii) customers of NAB who would like to acquire financial products and services associated with self-managed superannuation funds from NAB will not be compelled to acquire self-managed superannuation fund establishment services [and fund administration establishment services] from Heffron; and
- (iii) the market for self-managed superannuation fund establishment services [and fund administration services] and the markets for financial products and services associated with self-managed superannuation funds are highly competitive.

(b) Facts and evidence relevant to these detriments:

Not Applicable

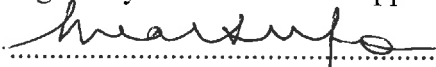
7. Further information

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

Davin McPherson
Legal Practice Director
Endeavour Advisory
37 Eleventh Avenue
KEDRON QLD 4031
Phone: (07) 3350 5055

Dated..... 3.5.2016

Signed by/on behalf of the applicant



(Signature)
MEG HEFFRON

(Full Name)
HEFFRON CONSULTING

(Organisation)
HEAD OF CUSTOMER

(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 *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.