

# 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)

N99909

.....  
Australia and New Zealand Banking Group Limited (ABN 11 005 357 522)  
(ANZ)  
.....  
.....  
.....

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

Supply of consumer and commercial financial products and credit facilities,  
including but not limited to home loans.

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

Level 9

ANZ Centre

242 Pitt Street

Sydney NSW 2000

Attn: Chanura Jayasinghe, Customer Propositions Manager

## 2. Notified arrangement

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

Australia and New Zealand Banking Group Limited (ABN 11 005 357 522) is a provider of financial products and services to retail, commercial and institutional consumers. It is the credit provider of ANZ home loans.

ANZ distributes ANZ home loans through its branch network, contact centre, ANZ-accredited brokers and ANZ mobile lenders. ANZ mobile lenders are independently operated franchisees that provide the credit assistance under the National Consumer Credit Code to consumers and are Authorised Credit Representatives of ANZ for those purposes.

QBE Insurance (Australia) Limited (ABN 78 003 191 035, AFSL 239545) (**QBE**) is a provider of general insurance. ANZ is a distributor of ANZ Home Insurance and ANZ Landlord Insurance products, with the product being underwritten by QBE. This means that although the product is white-labelled as an ANZ product, QBE ultimately owes all obligations and rights under the insurance product.

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

ANZ will not offer a rebate to customers who have an ANZ home loan and transaction account unless the purchaser acquires the QBE issued insurance products (labelled ANZ Home and ANZ Landlord Insurance) from a third party (QBE).

Specifically, it is proposed that from 1 October 2017 to 31 December 2017, ANZ may offer a rebate of \$250 on the first year's premium on ANZ Home Insurance or ANZ Landlord Insurance (as applicable) to select ANZ home loan customers that hold an eligible ANZ transaction account and are:

- (a) purchasing a property for the first time (for owner occupation), or
- (b) refinancing their existing home loan to ANZ (for owner occupation or residential investment purposes).

Eligible customers will be required to submit a home loan application between 1 October 2017 to 31 December 2017 and to draw down the loan by 31 March 2018. Eligible customers will also be required to provide proof to ANZ that they have acquired ANZ Home Insurance or ANZ Landlord Insurance and commenced their period of insurance. The lender (being on of ANZ branch staff, ANZ contact centre staff, ANZ-accredited Broker or ANZ mobile lender) will then submit a rebate form for processing, following which the rebate will be paid into the customer's eligible ANZ transaction account.

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)*.

Whilst ANZ does not necessarily consider that this correctly characterises the conduct, it recognises that it is open to being characterised in this way. Accordingly, out of abundance of caution and 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 who are first home buyers or refinancing their existing home loan to ANZ wishing to take up the offer in acquiring ANZ Home Insurance or ANZ Landlord Insurance (which are insurance policies issued by QBE) in conjunction with an ANZ home loan and eligible ANZ transaction account. Rebate is only available for selected eligible customers who submit a home loan application via ANZ branches, ANZ contact centres, ANZ mobile lenders or ANZ-accredited brokers.

- (b) Number of those persons:

- (i) At present time:

...Nil.....  
.....  
.....

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

.....1,000.....  
.....  
.....

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

.....  
.....N/A.....  
.....  
.....  
.....  
.....

#### 4. Public benefit claims

- (a) Arguments in support of notification:  
(Refer to direction 7)

ANZ submits that the conduct in question will not adversely affect competition in any relevant market and the conduct in question will result in public benefit and no identifiable public detriment.

The proposed conduct is pro-competitive, and will generate a number of public benefits, including:

- providing customers with the opportunity to obtain a rebate of \$250 on the first year's premium on ANZ Home Insurance or ANZ Landlord Insurance;
- reduce costs for customers who may otherwise have been unable to obtain or negotiate discounts, rebates or other benefits in relation to ANZ Home Insurance or ANZ Landlord Insurance; and
- encourage other credit providers and insurance providers to offer similar value-added benefits to their customers thereby promoting competition in the relevant market that is likely to benefit the public.

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

Please see response under 4 (a)

**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 the relevant markets for assessing this notification are:

- a) the retail market for financial products and services, specifically home loans; and
- b) retail market for general insurance products in Australia

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.

Further, there are a number of insurers, some with multiple brands and product offerings in the Australian General Insurance marketplace, which ensures that competition is high and steady.

**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 submits that the notified conduct is unlikely to have any public detriment.

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

The following can be noted:

- consumers are under no obligation to acquire an ANZ home loan or ANZ transaction account and there are a number of alternative credit providers in the market place
- consumers are under no obligation to acquire ANZ Home Insurance or ANZ Landlord Insurance (which are issued by QBE) and there are a number of alternative insurance product providers in the market place
- consumers are under no obligation to acquire the rebate offer
- the number of customers potentially affected by the proposed conduct is insignificant against the total number of consumers who have home loans in relevant markets


**7. Further information**

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

Chanura Jayasinghe  
ANZ General Insurance  
Level 9, 242 Pitt St  
Sydney 2000

Dated.....22 September 2017.....

Signed by/on behalf of the applicant

  
.....  
(Signature)

.... Chanura Jayasinghe.....  
(Full Name)

.....ANZ.....  
(Organisation)

Manager- General Insurance

.....  
(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.