

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)

- Medibank Private Limited (ABN 47 080 890 259) (**Medibank**) on behalf of Internet Services Australia 1 Pty Limited trading as www.theiconic.com.au (ABN 50 152 631 082) (**The Iconic**).

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

Medibank offers private health insurance and integrated healthcare services to private health insurance policyholders, government, corporate and other retail customers.

The Iconic is an online store selling clothing, accessories and apparel.

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

Briony Amey
Proposition Lead – Loyalty
Medibank Private Limited
Medibank Place, 720 Bourke Street
Docklands, Victoria, Australia, 3008

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 clothing, accessories and apparel (**The Iconic Goods**).

(b) Description of the conduct or proposed conduct:
(Refer to direction 4)

The proposed conduct involves The Iconic:

- (i) supplying, or offering to supply, The Iconic Goods; and/or

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(ii) supplying, or offering to supply, The Iconic Goods at a particular price; and/or

(iii) giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply by The Iconic of The Iconic Goods,

on the condition that the consumer acquires a private health insurance product from Medibank (or a related body corporate).

The proposed conduct also involves The Iconic refusing to:

(i) supply The Iconic Goods;

(ii) supply The Iconic Goods at a particular price; and/or

(iii) give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply by The Iconic of The Iconic Goods,

for the reason that the consumer has not acquired a private health insurance product from Medibank (or a related body corporate).

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)

Persons or classes of persons who have acquired or will acquire private health insurance from Medibank.

(b) Number of those persons:

(i) At present time:

Unknown.

(ii) Estimated within the next year:

(Refer to direction 6)

Substantially 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)

The proposed conduct will be of benefit to the public because:

- It will enable members or prospective members of Medibank to purchase The Iconic Goods at a discount.
- Consumers remain free to acquire both private health insurance from Medibank and The Iconic Goods from The Iconic separately.
- Competitors of Medibank and/or The Iconic may be encouraged to offer other additional value to their members, promoting competition in the relevant markets.

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

N/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)

Medibank and The Iconic have not attempted to precisely define the markets involved. However, for the purpose of assessing this notification, the relevant markets may include:

- national markets for the provision of private health insurance products and/or services to customers; and
- local, regional, State based or national markets for the provision of clothing, accessories and apparel.

These market(s) are highly competitive and accordingly the proposed conduct will have little (if any) detrimental effect on competition in these markets.

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 and The Iconic do not consider there to be any public detriments arising from the proposed conduct.

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

N/A.

7. Further information

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

Briony Amey
Proposition Lead – Loyalty
Medibank Private Limited
Medibank Place, 720 Bourke Street
Docklands, Victoria, Australia, 3008

Dated..... 24th JANUARY 2017

Signed by/on behalf of the applicant

..... Briony Amey

(Signature)

..... BRIONY AMEY

(Full Name)

..... MEDIBANK

(Organisation)

..... PROPOSITION LEAD

(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.

THE ICONIC

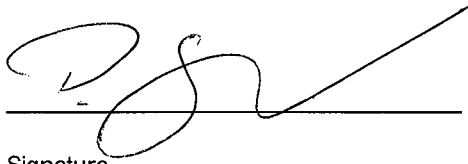
23.1.17

Consent to notification of third line forcing – Medibank Private Limited

We acknowledge that the arrangement between Medibank Private Limited (Medibank) and our organisation may raise issues under the third line forcing provisions of the Competition and Consumer Act 2010 (Cth).

As a result, we consent to Medibank lodging a Form G notification with the ACCC on our behalf.

We also agree to Medibank providing a copy of this letter to the ACCC as evidence of our consent to Medibank lodging the Form G notification on our behalf.

A handwritten signature in black ink, appearing to read 'Patrick Schmidt', is written over a horizontal line.

Signature

Patrick Schmidt, CEO

Name and Position