

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)

N99937

OnePath Life Limited ABN 33 009 657 176 (“OPL”)

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

OPL is a wholly-owned subsidiary of Australia and New Zealand Banking Group Limited (“ANZBGL”).

OPL holds a life insurance licence and carried on business as a life insurance company.

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

**Greg Horth
Senior Lawyer
ANZ Wealth
Level 21
242 Pitt Street
SYDNEY NSW 2000**

2. Notified arrangement

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

OPL issues a retail life insurance product known as OneCare.

OneCare includes life insurance, total and permanent disablement, trauma and income replacement insurance components. These may be taken in any combination.

One version of OneCare is known as OneCare External Master Trust. It is offered by OPL for applications to superannuation funds.

The trustee of these superannuation funds can make application for life, total and permanent disablement, and income replacement

insurance (but not trauma insurance) on behalf of a member of the superannuation fund.

The policy if issued will be in the name of the trustee and the life insured under the policy will be the relevant member.

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

OPL currently only provides a discount on OneCare External Master Trust premiums to trustees of superannuation funds that are companies within the ANZBGL corporate group.

From approximately 24 November 2017, it will give a discount on OneCare External Master Trust premiums to certain superannuation funds.

The identity of those superannuation funds will be determined by business considerations, which might be expected to change from time to time, such as the volume of members, applications, sum insureds, or other considerations specific to those superannuation funds.

OPL will refuse to offer the same discount on OneCare External Master Trust premiums to other superannuation funds.

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:

Trustees of external superannuation funds making applications for OneCare External Master Trust insurance issued by OPL.

- (b) Number of those persons:

- (i) At present time:

The discount is currently only provided to trustees of superannuation funds that are companies within the ANZBGL corporate group.

- (ii) Estimated within the next year:

A discount on premiums will be confined to one external superannuation funds. All other superannuation funds will be refused

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

**Macquarie Investment Management Limited
Level 5, 1 Shelley Street
Sydney NSW 2000**

4. Public benefit claims

- (a) Arguments in support of notification:

OPL 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:

- **provide retail customers acquiring insurance through certain superannuation funds with insurance on discounted premiums;**
- **provide the trustees of certain superannuation funds with a more competitive insurance offer than otherwise would be the case and more competition within insurance offers that may be made by the superannuation fund; and**
- **provide greater competition in the market for similar insurance.**

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

OPL expects to offer a discount of between 1 and 10% on insurance premiums where the insurance is introduced through superannuation funds where the discount is to apply.

Otherwise see above.

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):

OPL considers that the market for assessing this notification is the retail market for retail life insurance.

This market is highly competitive and characterised by relatively low levels of concentration, with a large number of providers and different products, 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:

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

- **neither trustees or members of superannuation funds are required to acquire life insurance from OPL;**

- the superannuation funds that will benefit from the insurance discounts are a very small portion of the total number of superannuation funds in Australia; and
- OPL is only one of a significant number of life insurers in the Australia market who provide such insurance to superannuation funds and/or members of the public.

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

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

OPL is only one of a significant number of life insurers in the Australia market for life insurance. The conduct will only benefit a very small portion of the total number of superannuation funds in Australia.

7. Further information

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

**Greg Horth
Senior Lawyer
ANZ Wealth
Level 21
242 Pitt Street
SYDNEY NSW 2000**

Dated..... 28/9/2017.....
 Signed by/on behalf of the applicant

 (Signature)
 GAVIN PEARCE
 (Full Name)
 ONE PATH
 (Organisation)
 MD 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.