



Media Release

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ANZ and ING (NZ) reach settlement with NZ Commerce Commission and NZ Securities Commission

ANZ National Bank Limited and ING (NZ) today announced that they had reached a settlement with the New Zealand Commerce Commission and the New Zealand Securities Commission in relation to the marketing and promotion of the ING Diversified Yield Fund and ING Regular Income Fund.

As part of the settlement an additional NZ\$45 million will be paid to eligible investors in the two funds. This is in addition to more than NZ\$500 million that has already been made available to investors by ANZ National Bank Limited and ING (NZ).

The Commerce Commission has raised a number of issues about the funds but acknowledges that ANZ National Bank Limited and ING (NZ) have not had the opportunity to test, or defend, these from a legal perspective.

ANZ National Bank Limited Acting Chief Executive, Steven Fyfe said: "We apologise for the performance of these funds. While we do not agree with all of the Commission's views we do agree that it is in the best interests of investors to avoid a lengthy court process.

"We apologise to those investors who felt we had misinformed them. Our priority has always been to assist investors, which is why we made available more than \$500 million before this settlement. Investments for many New Zealanders have been affected by the global financial crisis but few financial institutions have stood by their customers to this extent," Mr Fyfe said.

The method of payment will be determined by the Commerce Commission and payment will be made as soon as possible to investors after that decision is made.

The Securities Commission has considered the Commerce Commission settlement and is of the view that it achieves an appropriate outcome for investors in the funds. The Commerce Commission and the Securities Commission will not take any action against ANZ National Bank Limited and ING (NZ).

"It has been a very difficult time for investors in the funds. The impact of the global financial crisis was far greater than we and others in the financial sector could have predicted. I am pleased however that we have brought this matter to a conclusion for investors," Mr Fyfe said.

ING (NZ) has undertaken to complete a review of its relevant processes and procedures. ANZ National Bank Limited is adequately provisioned for the settlement payment.

For media enquiries only contact Gita Parsot, Senior Manager External Communications on 04-4366760 or 027 277 3139