



Our ref: AA1000434
Contact officer: Miriam Kolacz
Contact phone: (03) 9658 6476

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

11/01/2019

adjudication@acc.gov.au
www.acc.gov.au

Dear interested party

David Jones Pty Limited application for re-authorisation AA1000434— interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received an application for re-authorisation from David Jones Pty Limited (David Jones). The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

David Jones is seeking re-authorisation to invite current and future suppliers, which operate separate businesses within David Jones stores and/or conduct sales through David Jones' online retail store to take part in, and with David Jones itself, give effect to David Jones promotions (the proposed conduct).

David Jones seeks re-authorisation for the proposed conduct for a period of 10 years.

The ACCC has granted authorisation on three separate occasions to David Jones for similar conduct. Each authorisation was for a period of 5 years. The existing and most recent authorisation was granted on 26 March 2014 and expires on 17 April 2019.

A full copy of the application for authorisation is available on the ACCC's website in the [Authorisations Register](#). Alternatively, you can contact Miriam Kolacz on (03) 9658 6476 to obtain a hard copy of the application and submission.

Interim authorisation

David Jones has requested interim authorisation for the proposed conduct if the ACCC is unable to make a final determination re-authorising the proposed conduct before the expiry of David Jones' existing authorisation on 17 April 2019.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to David Jones' application for re-authorisation, including its request for interim authorisation, please do so by **1 February**

2019. Submissions should be emailed to adjudication@acc.gov.au with the subject 'AA1000434 David Jones – submission'.

Alternatively, if you would like to provide comments orally, please contact Miriam Kolacz on (03) 96586476 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. The [Guidelines for excluding information from the public register for authorisation and notification processes](#) are available on the ACCC website.

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information

2 January 2019	Lodgement of application and supporting submission.
11 January 2019	Public consultation process begins.
1 February 2019	Closing date for submissions on both interim authorisation and re-authorisation.
February	Applicant responds to issues raised in the public consultation process.
March	Draft determination and any decision on interim authorisation.
April	Public consultation on draft determination including any conference if called.
April	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Miriam Kolacz on (03) 9658 6476 or adjudication@acc.gov.au.

Yours sincerely



Gavin Jones
Director
Adjudication

List of interested parties consulted

A-Esque PTY LTD

Anthea Crawford (Australia) Pty Ltd

APG & CO

Australian National Retail Association

Australian Retailers Association

Aveda Corporation and Estée Lauder Pty. Limited

BASLER Australia Pty Ltd

Bottega Veneta Pty Ltd

BROOKS BROTHERS AUSTRALIA PTY LTD

C COSTI HOLDINGS PTY LTD

Carla Zampatti Pty Ltd

Celine Australia Pty Ltd

Centro Properties Group

Chanel (Australia) Pty Ltd

Choice

Christian Dior Australia Pty Ltd

Christian Louboutin Australia Pty Ltd

Cinori Shoes Pty Ltd

Consumer Affairs Victoria

Consumer and Business Services (South Australian Government)

Consumers' Federation of Australia

COOKIE MAN AUSTRALIA PTY LTD

Council of Small Business Organisations of Australia

Cue & Co Pty Ltd

Dion Lee Enterprises Pty Ltd

East Side Clothing Co Pty Ltd

ERMENEGILD O ZEGNA FAR EAST PTE.

Fendi Australia Pty Ltd

Ferragamo Australia Pty Ltd

FIFTY FOURTH RISCHHELL PTY LTD

FSS Retail Pty Ltd

Georg Jensen Pty Ltd
Ginger and Smart Pty Ltd
GIORGIO ARMANI AUSTRALIA PTY LTD
Harvey Norman
Hermanns Imports Pty Ltd
HUGO BOSS AUSTRALIA PTY LTD
IFB International Fashion Brands Pty Ltd
INDUSTRIE CLOTHING PTY LTD
Jan Logan Pty Ltd
JB HiFi
Jen Retail Properties
Jigsaw Australia Pty Ltd
JL Footwear Pty Ltd
Karen Millen Australia Pty Ltd
Kennedy Luxury Group Pty Ltd
KENTIA GROUP PTY LTD
Kering SA
Kmart
Kurt Geiger Australia Pty Ltd
Louis Vuitton Australia Pty Ltd
LSDH Corp Pty Ltd / The Trustee for SMART FAMILY TRUST t/a
Lynch Group Holdings Pty Ltd
MANDANA HOLDINGS PTY LTD
Marais Australia Pty Ltd
Max Mara Australia Pty Ltd
MIMCO Pty Ltd
Myer
National Association of Retail Grocers of Australia
National Independent Retailers Association
Office of Fair Trading (Queensland Government)
Office of the Small Business Commissioner (NSW Government)
Office of the Victorian Small Business Commission

OrotonGroup (Australia) Pty Ltd
Perri Cutten Australia Pty Ltd
PETER G BOUCHIER
Phase Eight (Fashion & Designs) Ltd
POLO RALPH LAUREN AUSTRALIA PTY LTD
Property Council of Australia
PUREBABY PTY LTD
Reiss Ltd
Retail First
Retail Traders Association of the ACT & Region
Review Australia Pty Ltd
RODD AND GUNN AUSTRALIA PTY LTD
Saba Trading Pty Ltd
Saint Laurent Australia Pty Ltd
SALLY JONES (JONES CATERING CO PTY LTD)
Scanlan & Theodore Pty Ltd
Sensory Lab Australia Pty Ltd
Sephora Australia Pty Ltd
Sheridan Australia Pty Ltd
Small Business Association of Australia
Small Business Commissioner (South Australian Government)
Small Business Development Corporation
STAFFORD GROUP PTY LTD
STEAMBOAT PTY LTD
Steambrook Pty Ltd (Trading as Seed Heritage)
Stockland
Target
TDE. PTY LTD
THE ACADEMY BRAND PTY LTD
The Beauty Bar Pty Ltd
The Iconic
The Swatch Group (Australia) Pty Ltd

Tod's Australia Pty Ltd

TRADERCITI PTY LTD

Tribe Hair

True Alliance Pty Ltd

Unique Retailing Pty Ltd

United Retail Federation

Valiram Group Sdn Bhd

Villeroy & Boch Australia Pty Ltd

WA Retailers Association Inc

Westfield Group

WHL

Wittner's Australia Pty Ltd

WWRD Australia Pty Ltd

Zimmermann Wear Pty Ltd