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14/02/2019

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Dear interested party

## **Myer Pty Ltd application for re-authorisation AA1000436—interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for re-authorisation from Myer Pty Ltd (Myer). 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.

Myer seeks re-authorisation to invite businesses operating within Myer stores or its online stores (Relevant Businesses), to participate in a variety of promotions including: agreed percentage or dollar amount discounts on a store wide or category wide basis; interest free purchase offers; reward programs and other payment promotions. Participation in the promotions by Relevant Businesses is voluntary (the proposed conduct).

Myer seeks re-authorisation for the proposed conduct for 15 years.

The ACCC has granted authorisation on three separate occasions to Myer for similar conduct. Each authorisation was for a period of 5 years. The existing and most recent authorisation was granted on 20 February 2014 and expires on 14 March 2019.

A full copy of the application for authorisation is available on the ACCC's website in the [Authorisations Register](#).

### **Interim authorisation**

Myer has requested interim authorisation to enable the existing conduct to continue while the ACCC considers the application for re-authorisation.

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 Myer's application for re-authorisation, including its request for interim authorisation, please do so by **28 February 2019**. Submissions should be emailed to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) with the subject 'AA1000436 Myer – submission'.

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

<b>12 February 2019</b>	Lodgement of application and supporting submission.
<b>14 February 2019</b>	Public consultation process begins.
<b>28 February 2019</b>	Closing date for submissions on both interim authorisation and re-authorisation.
<b>March 2019</b>	Applicant responds to issues raised in the public consultation process.
<b>March 2019</b>	Interim authorisation decision
<b>March/April 2019</b>	Draft determination.
<b>April/May 2019</b>	Public consultation on draft determination including any conference if called.
<b>May 2019</b>	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 Luke Griffin on (02) 6243 1114 or [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au).

Yours sincerely



Gavin Jones  
Director  
Adjudication

**List of interested parties consulted**

ACDC Holdings P/L  
A-Esque PTY LTD  
Agata & Kristie P/L  
Amor GMBH  
Anthea Crawford (Australia) Pty Ltd  
APG & CO  
Aquila P/L  
Australian National Retail Association  
Australian Retailers Association  
Aveda Corporation and Estée Lauder Pty. Limited  
Ayurve Spa  
B & M Hospitality P/L  
BASLER Australia Pty Ltd  
Bianco Retail P/L  
Blue illusion Australia P/L  
Bottega Veneta Pty Ltd  
BROOKS BROTHERS AUSTRALIA PTY LTD  
Brunetti Bourke Street  
Build-A-Bear Workshop Australia  
Button Agency P/L  
C COSTI HOLDINGS PTY LTD  
Cambridge Clothing Co Ltd  
Cambur Aust  
Carla Zampatti Pty Ltd  
Celine Australia Pty Ltd  
Centro Properties Group  
Chanel (Australia) Pty Ltd  
Chazan P/L  
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  
Country Road  
Creative Nation Aust P/L  
Cue & Co Pty Ltd  
Degani TSVL Stocklands P/L  
Dion Lee Enterprises Pty Ltd  
Dolci Firme  
Dry & Tea  
East Side Clothing Co Pty Ltd  
Eating in Perrottas  
ERMENEGILD O ZEGNA FAR EAST PTE.  
Factory X P/L  
Feathers Boutique P/L  
Fendi Australia Pty Ltd  
Ferragamo Australia Pty Ltd  
Ferrari East P/L  
FIFTY FOURTH RISCHHELL PTY LTD  
Foodoo Investments P/L  
Forever New Clothing P/L  
French Connection  
Fresh Myer Coffee Lounge  
FSS Retail Pty Ltd  
Georg Jensen Pty Ltd  
Ginger and Smart Pty Ltd  
GIORGIO ARMANI AUSTRALIA PTY LTD

Harvey Norman  
Hermanns Imports Pty Ltd  
House of CB Australia P/L  
HUGO BOSS AUSTRALIA PTY LTD  
Identity Direct  
IFB International Fashion Brands Pty Ltd  
INDUSTRIE CLOTHING PTY LTD  
Inter Moda P/L  
J'aime Hair  
Jan Logan Pty Ltd  
Jasmine Beauty Therapy P/L  
JB HiFi  
Jen Retail Properties  
Jigsaw Australia Pty Ltd  
JL Footwear Pty Ltd  
Just Cuts Franchising P/L  
Karen Millen Australia Pty Ltd  
Kennedy Luxury Group Pty Ltd  
KENTIA GROUP PTY LTD  
Kering SA  
Kings Domain Barber Shop  
Kmart  
Kurt Geiger Australia Pty Ltd  
Leona Edmiston  
L'espresso Coffee House P/L  
Looksmart Alterations P/L  
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

Marcus and David Lawrence  
Marimekko Australia Pty Ltd  
Max Mara Australia Pty Ltd  
Mecca Cosmetics  
MIMCO Pty Ltd  
Miss Brown Vintage Sydney  
Mitch Dowd Design  
Mon Purse P/L  
Monkey Mania  
Morrison International P/L  
Mosmann Australia  
My Cafe Penrith P/L  
Myer  
Namely Co  
National Association of Retail Grocers of Australia  
National Independent Retailers Association  
Newable Clothing P/L  
Nine West  
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  
Pal Col Mar P/L  
Perri Cutten Australia Pty Ltd  
Peter Alexander Sleepwear P/L  
PETER G BOUCHIER  
Phase Eight (Fashion & Designs) Ltd  
Pierres Café Bistro Restaurant P/L  
Pilgrim Clothing  
Politix  
POLO RALPH LAUREN AUSTRALIA PTY LTD

Presto Foods P/L  
Property Council of Australia  
PUREBABY PTY LTD  
R.M Williams P/L  
Reiss Ltd  
Retail First  
Retail Traders Association of the ACT & Region  
Review Australia P/L  
Review Australia Pty Ltd  
Ripe Maternity Wear  
RODD AND GUNN AUSTRALIA PTY LTD  
Rosbert International P/L  
Saba Trading Pty Ltd  
Saint Laurent Australia Pty Ltd  
SALLY JONES (JONES CATERING CO PTY LTD)  
Sass & Bide P/L  
Scanlan & Theodore Pty Ltd  
Seed Heritage  
Sensory Lab Australia Pty Ltd  
Sephora Australia Pty Ltd  
Sheridan Australia Pty Ltd  
Shoes & Sox P/L  
Simply My Hair  
Skin and Threads  
Skinnydip Ltd  
Small Business Association of Australia  
Small Business Commissioner (South Australian Government)  
Small Business Development Corporation  
Specialty Fashion Group Ltd  
Squidinki P/L  
STAFFORD GROUP PTY LTD

STEAMBOAT PTY LTD

Steambrook Pty Ltd (Trading as Seed Heritage)

Stockland

Style Bar Investments P/L

Sugar Bear Catering P/L

Sunglass Hut

Swarovski Intl

Sweat Empire

Target

TDE. PTY LTD

THE ACADEMY BRAND PTY LTD

The Beauty Bar Pty Ltd

The Big Group P/L

The Iconic

The Kooples

The Swatch Group (Australia) Pty Ltd

Tod's Australia Pty Ltd

Toro Corporation P/L

TRADERCITI PTY LTD

Tribe Hair

True Alliance Pty Ltd

TS 14+ Australia P/L

Unique Retailing Pty Ltd

United Retail Federation

Valiram Group Sdn Bhd

Villeroy & Boch Australia Pty Ltd

WA Retailers Association Inc

Wagga Back Door Cafe

Weight Watchers

Westfield Group

WHL

Wittner's Australia Pty Ltd

Wm Ritchie (Aust) P/L

WWRD Australia Pty Ltd

Zadig & Voltaire

Zimmermann Wear Pty Ltd