



23 Marcus Clarke Street
Canberra ACT 2601

Our ref: AA1000650
Contact officer: Jack Foley
Contact phone: 07 3811 9294

GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111
exemptions@acc.gov.au
www.acc.gov.au

14 December 2023

By email

Dear Interested Party

Bakers Delight Holdings Ltd - application for authorisation [AA1000650]—draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Bakers Delight Holdings Ltd on 30 August 2023.

For the reasons set out in its draft determination, the ACCC proposes to deny authorisation.

A copy of the ACCC's draft determination is attached and also available on the ACCC's [authorisations public register](#).

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please do so by **19 January 2024**. Submissions should be lodged via the [web form](#) accessible on the public register page for this matter. Alternatively, if you would like to provide comments orally, please contact Jack Foley via the details at the end of this letter.

As set out in the draft determination, the ACCC is seeking further submissions from Bakers Delight Franchisees in relation to the likely public benefits and detriments. In particular, we seek your views on the following issues:

- 1. The likely impact on additional technology costs to franchisees if the Proposed Conduct is not authorised.**
- 2. The extent to which the public detriment of limiting the flexibility and ability of franchisees to make independent decisions affecting their financial viability (based on local market conditions) in relation to Promotion Discounts is offset against any additional technology costs that would be incurred if the Proposed Conduct was not authorised.**

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **28 December 2023** by email to exemptions@acc.gov.au.

Timetable

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

Indicative date	Stage in assessment process
30 August 2023	Lodgement of application and supporting submission.
27 October 2023	Interim authorisation decision.
14 December 2023	Draft determination.
December 2023 - January 2024	Public consultation on draft determination including any conference if called.
February 2024	Final determination.

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 Jack Foley on 07 3811 9294 or by email to exemptions@acc.gov.au.

Yours sincerely



Tony Hilton
Director
Competition Exemptions