



Our ref: AA1000650
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Via email: raynia.theodore@mst.com.au

Dear Ms Theodore

Bakers Delight Holdings Limited - Application for authorisation AA1000650 – Request for information

I refer to the authorisation application lodged by Bakers Delight Holdings Ltd (**Bakers Delight**) with the Australian Competition and Consumer Commission (the **ACCC**) on 30 August 2023 (the **Application**).

Within the Application, Bakers Delight has sought interim authorisation to enable it to begin implementation of a new point of sale (**POS**) system while the ACCC considers the substantive application. To assist with its assessment of the request for interim authorisation, the ACCC is seeking further information as set out below.

Questions

1. What precise conduct is Bakers Delight seeking to engage in under interim authorisation? Specifically, is Bakers Delight seeking to engage in the entirety of conduct defined in section 3.1 of the Application or a more limited subset of the Proposed Conduct?
2. Please detail what Bakers Delight would likely do if interim authorisation was not granted, either urgently or at any time throughout the assessment process i.e., will Bakers Delight begin implementation of the new POS system without the Proposed Conduct or would it choose to delay implementation of the new POS system until a decision is made.
3. Please detail what Bakers Delight is likely to do if interim authorisation was granted but final authorisation was later denied. For example, if Bakers Delight begun to implement the new POS system under interim authorisation, would it continue to utilise the new system without the Proposed Conduct if authorisation was later denied? How difficult would it be to back out of any agreements that Bakers Delight may need to enter into if necessary?
4. How much time does Bakers Delight require to implement a new POS system until it's at the stage that it would be ready to deploy?
5. Bakers Delight has requested interim authorisation so that the new POS system could be implemented in October 2023. Please provide details as to why the Application was not lodged earlier to avoid the need for an urgent request for interim authorisation.

6. While the ACCC does not have to determine whether the relevant authorisation test is, or is likely to be, satisfied to grant interim authorisation, the ACCC will typically assess any possible public benefits or detriments at the time of considering the request for interim authorisation. To assist us with this, please detail the following:
- a. Can you please provide further details as to how exactly the Proposed Conduct leads to efficiencies in supply for consumers when compared with the future without the Proposed Conduct?
 - b. Bakers Delight have submitted that the Proposed Conduct will ultimately result in lower costs for Bakers Delight Bakeries and in turn for consumers. Please provide further detail how the implementation of the new POS system will result in lower costs, specifically in the form of technology costs, both compared with the current system and to the new system but without the Proposed Conduct.
 - c. How does Bakers Delight consider that each option is likely to affect costs for Bakers Delight Bakeries and therefore the prices for consumers (both in the short term and long term)?

Please provide any response to questions 1 – 5 by **Friday, 15 September 2023**. For question 6, please provide a response by **Friday, 22 September 2023**.

Your response **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

If you have any questions or wish to discuss our request further, please do not hesitate to contact Penny Bigham on 07 3052 1221 or exemptions@accc.gov.au.

Yours sincerely



Anthony Hilton
Director
Competition Exemptions