



Our ref: AA1000650
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17 October 2023

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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**).

As part of its public consultation process, the ACCC has received submissions from interested parties regarding the Application. A number of those are available on the ACCC's [public register](#) and we will shortly seek Bakers Delight's response to a number of issues raised in those submissions.

To assist with our assessment of Bakers Delight application for interim authorisation, we are seeking the further information set out below.

Interim authorisation

1. With respect to the table entitled 'Proposed Tiered Promotion Pricing' from the submission dated 2 October 2023, please provide the RRP for each of the corresponding individual products included in the Promotion Discounts listed in this table.
2. We note that Bakers Delight have indicated that they intend to implement the new point of sale system (**POS system**) without the Proposed Conduct if interim authorisation is not granted as it would be unable to re-activate the current POS system after it had been deactivated. In light of this, please provide further detail as to what Bakers Delight is likely to do if interim authorisation was granted but final authorisation was later denied. In particular, please detail:
 - a. what would be required to unwind or reverse any steps Bakers Delight is likely to take under any interim authorisation
 - b. how long would it take to unwind or reverse any steps taken, for example, how long would it take to make the necessary changes to allow for the POS system to operate without the Proposed Conduct
 - c. what detriments are likely to arise to Bakers Delight and other parties (including, but not limited to, Bakers Delight Franchisees) if this was to occur and
 - d. what steps Bakers Delight would undertake or implement to minimise or avoid those detriments to Bakers Delight Franchisees.

3. The ACCC understands from Bakers Delight submission of 15 September 2023 that Bakers Delight anticipates that it will take 4 weeks to implement the Proposed Conduct and the new POS system, with the implementation to be undertaken in two batches (50% of the Bakers Delight network in November 2023 and 50% of the Bakers Delight network in January and February 2024). Please clarify why interim authorisation is required before any implementation of the Proposed Conduct in January/February 2024.
4. Please provide any general comments on the submissions available on the ACCC's [public register](#)

Please provide any response as soon as possible and in any event by **Friday 20 October 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@acc.gov.au.

Yours sincerely



Anthony Hilton
Director
Competition Exemptions