



FORM G
COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974 - Sub-section 93(1)

N90911

EXCLUSIVE DEALING:

NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or (9)(a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) Name of person giving notice

ht.com.au Pty Ltd ABN 74 007 870 484 ("ht.com.au")

(b) Short description of business carried on by that person

Operation of Internet retail businesses.

(c) Address in Australia for service of documents on that person

c/- W. David King
 Corrs Chambers Westgarth
 600 Bourke Street
 Melbourne Victoria 3000

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates

Goods in stock for sale over the Internet and certain benefits and privileges as notified to:

- (i) Coles Myer Card credit account-holders; or
- (ii) special card holders; or
- (iii) all current or prospective customers of the Internet retail business operated by ht.com.au; or
- (iv) the general public

from time to time, by various methods including but not limited to the following :

- (1) mail outs by post or in electronic form to Coles Myer Card credit account-holders, special card holders, current or prospective customers of the Internet retail business operated by ht.com.au or the general public;
- (2) in store brochures or other in-store communication (including brochures, audio, video or signage);
- (3) catalogues, press advertisements, or advertisements by electronic media, including but not limited to telephone, the Internet, radio and television.

(b) Description of the conduct or proposed conduct

A. ht.com.au will offer to:

- (i) supply goods as specified in 2(a) at a particular price; or
- (ii) supply goods as specified in 2(a) free with the purchase of other specified goods; or
- (iii) supply a gift voucher or discount voucher of specified value free of charge with the purchase of specified goods; or
- (iv) supply other benefits or privileges as specified in 2(a) with the purchase of specified goods

on the condition that:

- (i) the purchaser of the goods is currently a Coles Myer Card credit account-holder; or
- (ii) the purchaser of the goods becomes a Coles Myer Card credit account-holder prior to the purchase of the goods;

and will purchase the goods (whether of a specified nature or to a specified value or of a specified nature or to a specified value in a specified period or otherwise as notified) using a Coles Myer Card and credit facilities both supplied by GE Capital Finance Australia.

B. ht.com.au will offer to:

- (i) supply a gift voucher or discount voucher of a specified value free of charge; or
- (ii) supply other benefits or privileges as specified in 2 (a)

on the condition that the recipient of the voucher or benefits or privileges is currently a Coles Myer Card credit account-holder and will purchase goods (whether of a specified nature or to a specified value or of a specified nature or to a specified value in a specified time period or otherwise as notified) using a Coles Myer Card and credit facilities both supplied by GE Capital Finance Australia.

C. ht.com.au will offer to:

- (i) supply a gift voucher or discount voucher of a specified value free of charge; or
- (ii) supply other benefits or privileges as specified in 2 (a) including the supply of Fly Buys Points

on the condition that the recipient of the voucher or the benefits or privileges will acquire a Coles Myer Card and credit facilities both supplied by GE Capital Finance Australia.

3. (a) Class or classes of persons to which the conduct relates

Conduct relates to:

- (1) current Coles Myer Card credit account-holders; or
- (2) persons willing to become Coles Myer Card credit account-holders prior to the purchase of the goods or at the time of receipt of a gift voucher or discount voucher or specified benefits or privileges referred to in 2 (b) C; or
- (3) current and future special card holders, selected on the basis of use of the Coles Myer Card.

(b) Number of those persons:

(i) At present time

- (1) approximately 2.1 million
- (2) unknown
- (3) unknown

(ii) Estimated within the next year

- (1) unknown
- (2) unknown
- (3) unknown

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses

N/A

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

W. David King
Corrs Chambers Westgarth
600 Bourke Street
Melbourne Vic 3000

DATED 13 September 2001



Signed by/on behalf of the person giving this notice

W. David King

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W. David King
Partner, Corrs Chambers Westgarth
Solicitors for ht.com.au Pty Ltd

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed for or on behalf of the person giving the notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item (b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be furnished with the notice.
5. In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7_A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93_A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

REGULATIONS

If the Commission gives a notice under sub-section 93_A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93_A of the Act, decides not to give a notice under subsection 93 (3_A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b), or (c), of the Act, it comes into force when it is given.