

FILE No:
DOC:
MARS/PRISM:

Tel 02 8218 7079  
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10 July 2003

Mr Tim Grimwade  
General Manager – Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

Dear Mr Grimwade

**Exclusive Dealing Notification**

I refer to the notification lodged by RAMS Home Loans Pty Limited on 28 January 2003 (N91066) and your letter dated 10 February 2003 granting immunity from prosecution in relation to the conduct outlined in that communication.

The notified conduct under N91066, related to RAMS providing franchise services to businesses wishing to operate a RAMS Home Loans Centre on the condition that franchisees acquire goods and services from specified third party suppliers.

One of the tied products specified and authorised, was the printing of RAMS Materials such as brochures, letterhead, envelopes and standard forms from Penfold Buscombe Ltd. RAMS has selected an alternative supplier instead of Penfold Buscombe Limited, namely Fast Proof Press Pty Limited.

When selecting Fast Proof Press Pty Limited as a mandatory supplier, RAMS has taken steps to ensure that it has obtained competitive pricing for the products or services in question and RAMS has a contractual obligation to monitor and review the quality and pricing of the these products and services annually.

As detailed in our submission of 22 January 2003, there are strict rules in the franchise agreement and franchise operations manual relating to use of the RAMS material and in relation to the “look and feel” of the individual RAMS Home Loan Centres (approximately 50). RAMS has developed these rules so that it can protect the RAMS brand name and image and our intellectual property generally. RAMS considers that this is a common course of action by a franchisor.

It is our view that the proposed conduct by RAMS would benefit the franchisees in that they will have access to the intellectual property required to operate their

business and the pricing RAMS has achieved is very competitive because RAMS can offer franchisees genuine savings due to the volumes involved. It is also RAMS' view that there is no public detriment in following this course of action and that it is common place in a franchisee/franchisor arrangement.

RAMS asks that the Commission consider granting immunity to prosecution on the basis that RAMS' activities remain within the parameters of the conduct/arrangements outlined in this communication.

I enclose Form G seeking authorisation for this conduct involving Fast Proof Press Pty Limited, and our cheque for \$100.00 (RAMS being a proprietary company).

Please also note that RAMS Home Loans Pty Limited changed its name on 23 June 2003 to RAMS Finance Pty Limited.

Please advise if you need any further information.

Yours faithfully

Simone Baxter  
Corporate Lawyer  
RAMS Home Loans  
Direct line 8218 7079

Encl

# Form G

Commonwealth of Australia  
Trade Practices Act 1974 --- Sub-section 93(1)  
**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.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of person giving notice... RAMS FINANCE PTY LIMITED (FORMERLY RAMS HOME LOANS PTY LIMITED)  
(See Direction 2 on the back of this form)  
(b) Short description of business carried on by that person  
PROVIDER OF HOME LOANS AND ASSOCIATED PRODUCTS  
(c) Address in Australia for service of documents on that person  
LEVEL 11, 201 KENT STREET, SYDNEY, NSW 2000
  
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates  
PRINTING RAMS' MATERIAL SUCH AS BROCHURES, LETTERHEAD, ENVELOPES, STANDARD CUSTOMER FORMS ETC.  
(b) Description of the conduct or proposed conduct  
DESCRIBED IN THE ATTACHED SUBMISSION  
(See Direction 4 on the back of this Form)
  
3. (a) Class or classes of persons to which the conduct relates  
FRANCHISEES OF RAMS BUSINESS  
(b) Number of those persons--  
(i) At present time .....  
(ii) Estimated within the next year..... NO MORE THAN 50  
(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses  
AS YET NOT KNOWN - WE ARE CURRENTLY NEGOTIATING WITH MORE THAN 20 POTENTIAL FRANCHISEES, BUT CANNOT AT THIS STAGE SAY WHO/HOW MANY WILL BECOME FRANCHISEES.
  
4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice..... SIMONE BAXTER, LEVEL 11, MARITIME TRADE TOWERS, 201 KENT STREET, SYDNEY, NSW 2000.

Dated 9 July 2003

Signed by/on behalf of the applicant giving notice

SIMONE BAXTER

(Signature)

SIMONE BAXTER

(Full Name)

CORPORATE LAWYER

(Description)