

**COMMONWEALTH OF AUSTRALIA
TRADE PRACTICES ACT 1974 - Subsection 93(1)
EXCLUSIVE DEALING: NOTIFICATION**

TO THE AUSTRALIAN COMPETITION & 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(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1 (a) Name of person giving notice:

H&R Block Limited (ABN 89 064 268 800) of 265 Pennant Hills Road, Thornleigh, NSW (“**H&R Block**”).

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

H&R Block provides tax accounting services including tax return preparation, accounting and bookkeeping.

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

C/- Amanda Bodger
Mallesons Stephen Jaques
Level 28, Rialto
525 Collins Street
Melbourne Vic 3000

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

Products and services currently supplied, or to be supplied in the future, by H&R Block including tax return preparation for individuals (“**H&R Block Products**”).

Products and services supplied by GE Capital Finance Australasia (ABN 93 070 396 020), its subsidiaries and related bodies corporate (“**GE Capital Finance**”) being financial services to retailers and consumers including auto loans, leasing and asset purchase, credit cards, debt consolidation loans, home equity loans, mortgages, personal loans, private label credit cards and sales finance (“**GE Capital Finance Products**”).

The relevant subsidiaries and related bodies corporate of GE Capital Finance are:

- Australian Guarantee Corporation Pty Ltd (ABN 88 000 015 485);
- GE Personal Finance Pty Ltd (ABN 54 008 443 810);
- GE Automotive Financial Services Limited (ABN 80 004 187 419);
- GE Mortgage Solutions Limited (ABN 85 070 797 894); and
- GE Capital Finance Australia (ABN 42 008 583 588).

(b) Description of the conduct or proposed conduct:

H&R Block and GE Capital Finance propose to enter into arrangements pursuant to which H&R Block proposes to give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to H&R Block Products on the condition that the customer also acquires or has acquired one or more GE Capital Finance Products from GE Capital Finance.

Examples of the proposed conduct are set out below:

For example, H&R Block proposes to offer a discount on the average fee for basic personal tax return services to all customers who acquire or have acquired one or more GE Capital Finance Products from GE Capital Finance.

The proposed conduct will be of benefit to the public as it will:

- reduce costs of customers who may be otherwise unable to negotiate discounts or other benefits in relation to H&R Block Products on their own behalf;
- promote competition in the relevant markets by encouraging competitors to offer similar value added services; and
- provide GE Capital Finance customers with the opportunity to obtain H&R Block Products at discounted rates or with additional benefits.

The proposed conduct will not lessen competition in the markets for the relevant products and services as:

- competition in the tax accounting services market and financial services market is vigorous and there are many competitors;
- the number of consumers potentially affected by the proposed conduct is insignificant compared to the total number of consumers who acquire tax accounting services and financial services;
- consumers will be able to acquire the H&R Block Products with the usual fees and charges without acquiring any services from GE Capital Finance and vice versa; and
- consumers may acquire the relevant products and services from a range of other suppliers.

The applicant believes that the benefits from the proposed conduct outlined above will outweigh any possible detriment considered to arise from the conduct.

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

GE Capital Finance customers who wish to obtain H&R Block Products.

(b) Number of those persons:

Offers will be made to existing and potential customers of GE Capital Finance.

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

Not applicable

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

Amanda Bodger
Mallesons Stephen Jaques
Level 28, Rialto
525 Collins Street
Melbourne Vic 3000

Dated: 16 June 2004

Signed on behalf of the person giving this notice:



Amanda Bodger

Solicitor

