



Origin Energy
L21, 360 Elizabeth Street
Melbourne 3000

FILE No:
DOC: A7 DOC/4-1144
MARS/PRISM:

25 August 2004

Dear Sirs,

**Origin Energy (Vic) Pty Ltd, Origin Energy Electricity Limited & Origin Energy Retail Ltd
Exclusive Dealing Notification**

Origin Energy (Vic) Pty Ltd, Origin Energy Electricity Limited & Origin Energy Retail Ltd
encloses the following documents:

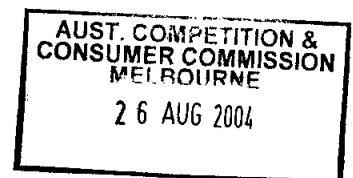
1. Notification of Exclusive Dealing (Form G) signed by Origin Energy (Vic) Pty Ltd;
2. Notification of Exclusive Dealing (Form G) signed by Origin Energy Electricity Limited;
3. Notification of Exclusive Dealing (Form G) signed by Origin Energy Retail Limited;
4. Our submission in support of notification document;
5. Our Visa card payment for \$500 in respect of the filing fee for a third line forcing notification (\$100 - Third line forcing notifications by a proprietary company or individual; \$400 -additional related notification).

Please contact Nazzareno La Gamba on (03) 9652 5856 if you have any queries in relation to the attached notification.

Yours faithfully

Nazzareno La Gamba

Origin Energy (Vic) Pty Ltd
Origin Energy Electricity Ltd
Origin Energy Retail Ltd



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 subsection 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

Origin Energy (Vic) Pty Ltd

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

Origin Energy Energy (Vic) Pty Ltd is in the business of retailing natural gas and related products.

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

Level 21, 360 Elizabeth St, Melbourne 3000

Attention Mr. Nazzareno La Gamba

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

Electricity and natural gas and related products

- (b) Description of the conduct or proposed conduct

Marketing promotion in which Origin Energy Electricity Limited, Origin Energy Retail Limited and Origin Energy (Vic) Pty Ltd intend to offer rewards to customers who are (or who become) members of a participating AFL Club or the AFL and who sign a market contract with each company.

For further details see the attached submission in support of this notification.

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

The offer will be available to any existing or potential member of a participating AFL Club and AFL.

- (b) Number of those persons

- (i) At present time

Not known

- (ii) Estimated within the next year

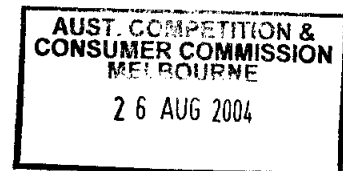
Not known

- (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.

**Mr Nazzareno La Gamba
National Manager Multi-Channel Markets
Level 21, 360 Elizabeth St, Melbourne 3000
Phone 9652 5856**



Dated *26/8/04*

Signed by/ on behalf of Origin Energy (Vic) Pty Ltd

N. La Gamba
.....

(Signature)

Nazzareno La Gamba (National Market Development Manager)
.....

(Full Name and position)

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 by 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 1 (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 subsection 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 provided 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 subsection 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 (7A) of the Act ("the prescribed period") unless the Commission gives a notice under subsection 93A(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.

If the Commission gives a notice under subsection 93A (2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93 (3A) 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.

Form G

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

**EXCLUSIVE DEALING
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1. (a) Name of person giving notice

Origin Energy Electricity Ltd

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

Origin Energy Electricity Ltd is in the business of retailing electricity and related products.

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

Level 21, 360 Elizabeth St, Melbourne 3000

Attention Mr Nazzareno La Gamba

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Electricity and natural gas and related products

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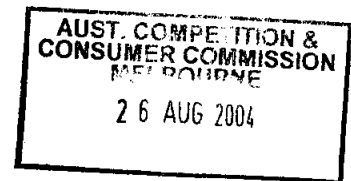
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(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses

Not Applicable

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

Mr Nazzareno La Gamba
National Manager Multi-Channel Markets
Level 21, 360 Elizabeth St, Melbourne 3000
Phone 9652 5856



Dated

Signed by/on behalf of Origin Energy Electricity Ltd

A handwritten signature in black ink, appearing to read "N. La Gamba", written over a dotted line.

(Signature)

Nazzareno La Gamba (National Market Development Manager)

(Full Name and position)

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Origin Energy Retail Limited

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

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

Level 21, 360 Elizabeth St, Melbourne 3000

Attention Mr Nazzareno La Gamba

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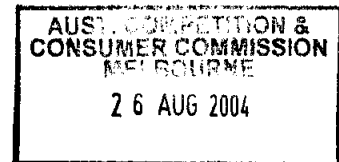
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Mr Nazzareno La Gamba
National Manager Multi-Channel Markets
Level 21, 360 Elizabeth St, Melbourne 3000
Phone 9652 5856



Dated

26/8/04.

Signed by/on behalf of Origin Energy Retail Limited



(Signature)

Nazzareno La Gamba (National Market Development Manager)

(Full Name and position)

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**Submission in support of Notification
Lodged on behalf of Origin Energy Electricity Limited, Origin Energy Retail Limited and Origin
Energy (Vic) Pty Limited**

1. The Notification concerns a promotion that Origin Energy Electricity Limited ("**Origin Electricity**"), Origin Energy Retail Limited ("**Origin Retail**") and Origin Energy (Vic) Pty Limited ("**Origin Energy**") (collectively "**Origin**") propose to run in which the Australian Football League ("**AFL**") and various AFL clubs will participate.

Relevant conduct

2. The conduct comprises:

(a) the offering by Origin Electricity and/or Origin Energy or Origin Retail of:

- (i) in the case of existing members of a participating AFL Club or existing members of the AFL, a rebate (currently set at \$50) on the cost of that member's existing membership for 2005; or
- (ii) in the case of persons who sign up to become a member of a participating AFL Club or a member of the AFL, a credit (currently set at \$50) on the annual membership fee for 2005,

such rebate or credit being conditional on the member or prospective member signing market contracts for the supply of gas with Origin Energy (for those located in Victoria) or with Origin Retail (for those located in South Australia) and electricity with Origin Electricity, or in circumstances where that member or prospective member does not have access to reticulated gas, such member or prospective member signing a market contract for the supply of electricity with Origin Electricity;

(b) the offering by Origin Electricity and/or Origin Energy of:

- (i) in the case of Victorian customers who are contracted to both Origin Energy and Origin Electricity and who remain contracted to both Origin Energy and Origin Electricity up until the end of 2005, a \$50 credit on the 2006 membership fee of a participating AFL Club or the 2006 membership fee of the AFL; or
- (ii) in the case of Victorian customers who do not have access to reticulated gas, and are therefore contracted to Origin Electricity only, and who remain contracted to Origin Electricity up until the end of 2005, a \$50 credit on the 2006 membership fee of a participating AFL Club or the 2006 membership fee of the AFL;

(c) the offering by Origin Electricity and/or Origin Retail of:

- (i) in the case of South Australian customers who are contracted to both Origin Retail and Origin Electricity and who remain contracted to both Origin Retail and Origin Electricity until the end 2005, a \$50 credit on the 2006 membership fee of a participating AFL Club or the 2006 membership fee of the AFL; or
- (ii) in the case of South Australian customers who do not have access to reticulated gas, and are therefore contracted to Origin Electricity only,

and who remain contracted to Origin Electricity up until the end of 2005, a \$50 credit on the 2006 membership fee of a participating AFL Club or the 2006 membership fee of the AFL.

3. Origin Energy, Origin Retail and Origin Electricity propose to run a marketing promotion in relation to the conduct. The promotion will initially be conducted in Victoria and South Australia but will be extended to New South Wales over time.

No anti-competitive detriment

4. The promotion will not result in any anti-competitive detriment for the following reasons:
 - (a) it is a demonstration of product innovation in competition between energy retailers;
 - (b) it will enhance Origin's ability to compete in NSW where it currently has limited presence in the retail sector;
 - (c) there is no minimum term for the energy contracts which the customers sign. Accordingly, these can be terminated on short notice at any time during the period of the contract;
 - (d) customers terminating energy contracts do not incur any exit fees;
 - (e) potential customers will still have a genuine choice about whether to join a particular AFL Club and about the identity of their energy provider or providers;
 - (f) it provides discounts to customers on the total price of energy and AFL membership;
 - (g) potential customers will be fully informed about the full terms of the offer before taking up the offer;
 - (h) there is no requirement on any AFL Club to participate, although they will be encouraged to do so by the AFL. Not all clubs have elected to participate.

The promotion will result in public benefit

5. There are public benefits from the proposed conduct in that the proposed arrangements are likely to:
 - (a) increase the uptake of AFL memberships;
 - (b) enhance the ability of Origin to compete in the provision of retail gas and electricity, raising the profile of Origin's retail capabilities and reinforcing to customers the understanding of their freedom to choose a retailer;
 - (c) raise the profile of a newly contestable South Australian residential market;
 - (d) enable the participating AFL Club to offer better service and discounts to its members and be more proactive in support of their members' needs and interests;
 - (e) reward loyalty in the form of a \$50 rebate for membership in 2006;
 - (f) encourage other retailers to respond competitively with similar offers and benefits.
6. Promotions of this kind are a commonly used marketing tool that deliver real benefits to

consumers and business associations alike. The joint promotion accordingly provides significant benefits to the public in terms of competition and consumer welfare.

Conclusion

7. In view of the fact that there are no anti-competitive detriments and some public benefits, the Commission should allow the notification to stand.