

MYER

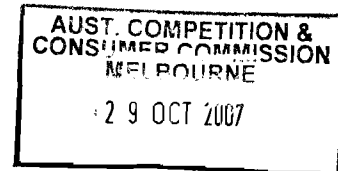
Myer Pty Ltd
ABN 83 004 143 239

Legal Services Department
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FILE No:
DOC:
MARS/PRISM:

29 October 2007

Mr Gavin Jones
Australian Competition and Consumer Commission
Level 35
360 Elizabeth Street
MELBOURNE VIC 3000



Dear Mr Jones

Re: Exclusive Dealing Notification

We refer to the Exclusive Dealing Notification which we lodged on 23 October 2007. We enclose a further version of the form, containing supplementary information as requested.

Please contact me on 9661 2743 if you have any queries.

Yours faithfully

A handwritten signature in black ink, appearing to be "S. Black".

Steven Black
National Assurance Manager

EXCLUSIVE DEALING NOTIFICATION

Commonwealth of Australia

Trade Practices Act 1974 — Subsection 93(1)

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), (7), (8) or (9) 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

Myer Pty Ltd ABN 83 004 143 239 ("Myer") NA3189

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

Operation of department stores throughout Australia

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

Myer Compliance
Level 7, 295 Lonsdale 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 at stores of Myer and certain benefits and privileges.

(b) Description of the conduct or proposed conduct

It is proposed that GE Capital Finance Australia ("GECFA") as credit provider and Myer will launch a Myer branded Visa credit card to be known as the "Myer Visa Card" or the "Myer Visa Gold Card" (the "Myer Visa Card"). The Myer Visa Card will have the current Myer one loyalty program attached to it, and will enable Myer one members to earn shopping credits on Myer purchases and also (at a slower rate) on non-Myer purchases, when they make these purchases using the Myer Visa Card. Shopping credits will then be redeemable for Myer one gift cards on accumulation of a prescribed amount.

A. Myer will offer to:

- (i) supply a gift card, gift voucher or discount voucher free of charge; or
- (ii) supply other benefits or privileges, such as entry to sweepstakes or invitations to exclusive events, and including the supply of Myer one shopping credits

on the condition that the recipient of the gift card, gift voucher or discount voucher or the benefits or privileges will acquire a Myer Visa Card supplied by GECFA.

B. Myer will offer to:

- (i) supply goods at a particular price; or
- (ii) supply goods free with the purchase of other specified goods; or

- (iii) supply a gift card, gift voucher or discount voucher free of charge with the purchase of specified goods; or
- (iv) supply other benefits or privileges with the purchase of specified goods, such as entry to sweepstakes or invitations to exclusive events, and including the supply of Myer one shopping credits

on the condition that

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

and will purchase the goods using a Myer Visa Card supplied by GECFA.

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

Conduct relates to:

- 1) current Myer Visa Card holders; or
- 2) persons willing to become Myer Visa Card holders; or
- 3) special Myer Visa Card holders, selected on the basis of their use of the Myer Visa Card.

(b) Number of those persons—

- | | | |
|------|---------------------------------|-----------|
| (i) | At present time: | None |
| (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

N/A

4. Public benefit claims

(a) *Arguments in support of notification:*

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

- (a) allow retail customers with a Myer Visa Card supplied by GECFA, or customers who acquire goods from Myer using a Myer Visa Card supplied by GECFA to receive gift cards, gift vouchers, discount vouchers or other benefits or privileges from Myer; and
- (b) it will promote competition amongst other retailers by encouraging them to make similar offers to their customers.

(b) *Facts and evidence relied upon in support of these claims:*

Gift cards, gift vouchers, discount vouchers or other benefits or privileges from Myer are valuable products to many retail customers and the ability to receive them at a discount or at no cost may be a significant benefit to the individual customer.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the

supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

The relevant market is the national retail market for goods. This market includes the supply of men's and women's fashion and accessories, furniture, home and electrical goods. This market is characterised by very strong competition.

6. Public detriments

(a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:

N/A

(b) Facts and evidence relevant to these detriments:

The proposed conduct will not substantially lessen competition in the relevant market as:

- (a) the retail market for goods is characterised by large numbers of competitors and very intense competition;
- (b) there is no obligation to acquire goods from Myer using the Myer Visa Card supplied by GEFCA; and
- (c) customers not holding a Myer Visa Card supplied by GECFA continue to have access to Myer goods at regular competitive prices.

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

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

Steven Black
National Assurance Manager
Level 7, 295 Lonsdale Street
Melbourne Victoria 3000

Dated: 29 October 2007

Signed on behalf of the applicant



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Steven Black
National Assurance Manager
For and on behalf of Myer Pty Ltd

