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11 June 2008

Australian Competition & Consumer Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne Central
Melbourne Vic 3000

FILE No:
DOC:
MARS/PRISM:

Dear Sir/Madam

Brabus PA Franchising Pty Ltd – Exclusive Dealing Notification

We act for Brabus PA Franchising Pty Ltd, the franchisor of the Price Attack franchise network and the Fix franchise network.

We enclose the following:

1. Form G – Exclusive Dealing Notification for Brabus PA Franchising Pty Ltd in relation to the Price Attack franchise network;
2. Form G – Exclusive Dealing Notification for Brabus PA Franchising Pty Ltd in relation to the Fix franchise network;
3. our office cheque for \$200 made payable to the ACCC being the lodgement fees for the 2 notifications.

If you have any questions or require further information please do not hesitate to contact Warren Scott on 03 9605 0984 or wscott@millsoakley.com.au.

Yours faithfully


WARREN SCOTT
MILLS OAKLEY LAWYERS

Enc

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.

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

N93433 Brabus PA Franchising Pty Ltd ACN 128 193 359 (**Price Attack**).

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

Price Attack owns or licences a unique system for the retail sale of the hair care, body care, nail care, skin care, cosmetics and beauty products and accessories and the provision of various services such as hair cutting and colouring, eyebrow tinting, lip waxing and other beauty related services (**Price Attack business**).

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

c/- Warren Scott
Mills Oakley Lawyers
Level 4/121 William Street
MELBOURNE VIC 3000

2. **Notified arrangement**

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

Hair care and beauty products from PPS Hairwear Australia Pty Ltd (trading as PPS Hairwear) ABN 38 010 979 923 of 14 Smallwood Place, Murarrie, QLD 4172 (**PPS**).

(b) **Description of the conduct or proposed conduct**

The notification relates to the supply by Price Attack to the franchisees of the right to operate a Price Attack business on the condition that they acquire specified products including hair care products from PPS.

This will occur where a franchisee has agreed that Price Attack may oblige them to purchase specified products only from specified suppliers.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

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

Price Attack franchisees.

(b) Number of those persons

(i) At present time

There are currently 135 Price Attack franchisees.

(ii) Estimated within the next year

There will be approximately 150 Price Attack franchisees.

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

Not applicable.

4. Public benefits claims

The purpose of the proposed conduct is to:

- (a) provide the Price Attack franchisees with consistency of quality of products across all of the Price Attack retail stores as well as a consistent 'look and feel' across the stores; and
- (b) consolidate the buying power of the Price Attack group to negotiate favourable arrangements with suppliers of products,

and as a result:

- (c) customers will benefit from the consistency of quality between Price Attack stores and customers will be able to purchase the products as advertised;
- (d) customers may obtain a lower price for the products;
- (e) Price Attack franchise network will acquire competitive advantages enabling them to compete with other hair salon businesses, supermarkets and department stores and thereby increase competition in the market; and
- (f) rebates from suppliers reduce upward pressure on costs which ultimately can lead to lower prices for products at consumer level.

Competition between Price Attack and other providers of hair salon services and hair care products is expected to continue, and the notified conduct is expected to facilitate further pro-competitive responses from Price Attack's competitors, which will be of benefit to consumers.

5. Market definition

The markets that may be affected by the proposed conduct include:

- (a) the market for the supply of hair care and other beauty products to retailers. In addition to PPS, the significant suppliers in this market include:
 - (i) Wella;
 - (ii) Sebastian;
 - (iii) Deloroenzo;
 - (iv) Sabre Corporation;
 - (v) Chemcorp;
 - (vi) Goldwell/Kms;
 - (vii) Unity Agencies;
 - (viii) M&U Imports;
 - (ix) Tigi;
 - (x) Indola;
 - (xi) Lushes;
 - (xii) Juvena/Sally Hansen;
 - (xiii) Creative brands;
 - (xiv) Schwarzkopf;
 - (xv) L'Oreal;
 - (xvi) Henkel;
 - (xvii) Dateline; and
 - (xviii) Petra Haircare.
- (b) the market for the supply of hair treatment services to the public. The significant suppliers in this market include:
 - (i) Toni & Guy;
 - (ii) Hairhouse Warehouse; and
 - (iii) numerous independent operators.

6. Public detriments

The effect of any third line forcing will be insignificant for the following reasons:

- (i) in respect of the market for supply of hair care and other beauty products to retailers:
 - there is no impediment to other hairdressers obtaining PPS products; and
 - there is a multiplicity of hair salons and providers of hair care and beauty products to whom competitors of PPS will be able to offer goods;

- (ii) in relation to the market for supply of hair treatment services to the public, again, there is a multiplicity of hair salons and providers of hair care and beauty products; and
- (iii) Price Attack will provide private label branded products and other products for which PPS does not have a comparative product to customers.

For the reasons set out in paragraphs 4 and 6, there is no significant detriment to the public as a result of the proposed conduct. Any minimal detriment is outweighed by the public benefits outlined above.

7. Further information

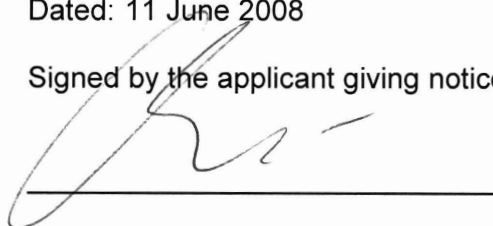
- (a) **Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice**

c/- Warren Scott
Mills Oakley Lawyers
Level 4/121 William Street
MELBOURNE VIC 3000

Telephone: 03 9605 0984
Facsimile: 03 9670 9111
Email: wscott@millsoakley.com.au

Dated: 11 June 2008

Signed by the applicant giving notice



**Warren Scott
Mills Oakley Lawyers
For Price Attack**



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.

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

N93434 Brabus PA Franchising Pty Ltd ACN 128 193 359 (**Fix**).

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

Fix owns or licences a unique system for the retail sale of the hair care, body care, nail care, skin care, cosmetics and beauty products and accessories and the provision of various services such as hair cutting and colouring, eyebrow tinting, lip waxing and other beauty related services (**Fix business**).

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

c/- Warren Scott
Mills Oakley Lawyers
Level 4/121 William Street
MELBOURNE VIC 3000

2. **Notified arrangement**

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

Hair care and beauty products from Cosmetic Suppliers Pty Ltd trading as Sebastian Professional ACN 000 303 391 of Level 4, 1 Innovation Road, Macquarie Park, NSW 2113 (**Sebastian**).

(b) **Description of the conduct or proposed conduct**

The notification relates to the supply by Fix to the franchisees the *right to operate a Fix business* on the condition that they acquire specified products including hair care products from Sebastian.

This will occur where a franchisee has agreed that Fix may oblige them to purchase specified products only from specified suppliers.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

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

Fix franchisees.

(b) Number of those persons

(i) At present time

There is currently 1 Fix franchisee.

(ii) Estimated within the next year

There will be approximately 5 Fix franchisees.

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

Name: Havencool Pty Ltd (ACN 056 205 782)

Address: Pacific Fair
Shop 51 Pacific Fair Shopping Centre
Hooker Boulevard
Broadbeach QLD 4218

4. Public benefits claims

The purpose of the proposed conduct is to:

- (a) provide the Fix franchisees with consistency of quality of products across all of the Fix retail stores as well as a consistent 'look and feel' across the stores; and
- (b) consolidate the buying power of the Fix group to negotiate favourable arrangements with suppliers of products,

and as a result:

- (c) customers will benefit from the consistency of quality between Fix stores and customers will be able to purchase the products as advertised;
- (d) customers may obtain a lower price for the products;
- (e) Fix franchise network will acquire competitive advantages enabling them to compete with other hair salon businesses, supermarkets and department stores and thereby increase competition in the market; and
- (f) rebates from suppliers reduce upward pressure on costs which ultimately can lead to lower prices for products at consumer level.

Competition between Fix and other providers of hair salon services and hair care products is expected to continue, and the notified conduct is expected to facilitate further pro-competitive responses from Fix's competitors, which will be of benefit to consumers.

5. Market definition

The markets that may be affected by the proposed conduct include:

- (a) the market for the supply of hair care and other beauty products to retailers. In addition to Sebastian, the significant suppliers in this market include:
 - (i) Wella;
 - (ii) PPS;
 - (iii) Deloroenzo;
 - (iv) Sabre Corporation;
 - (v) Chemcorp;
 - (vi) Goldwell/Kms;
 - (vii) Unity Agencies;
 - (viii) M&U Imports;
 - (ix) Tigi;
 - (x) Indola;
 - (xi) Lushes;
 - (xii) Juvena/Sally Hansen;
 - (xiii) Creative brands;
 - (xiv) Schwarzkopf;
 - (xv) L'Oreal;
 - (xvi) Henkel;
 - (xvii) Dateline; and
 - (xviii) Petra Haircare.
- (b) the market for the supply of hair treatment services to the public. The significant suppliers in this market include:
 - (i) Toni & Guy;
 - (ii) Hairhouse Warehouse; and
 - (iii) numerous independent operators.

6. Public detriments

The effect of any third line forcing will be insignificant for the following reasons:

- (i) in respect of the market for supply of hair care and other beauty products to retailers:

- there is no impediment to other hairdressers obtaining Sebastian products; and
 - there is a multiplicity of hair salons and providers of hair care and beauty products to whom competitors of Sebastian will be able to offer goods;
- (ii) in relation to the market for supply of hair treatment services to the public, again, there is a multiplicity of hair salons and providers of hair care and beauty products; and
- (iii) Fix will provide private label branded products and other products for which Sebastian does not have a comparative product to customers.

For the reasons set out in paragraphs 4 and 6, there is no significant detriment to the public as a result of the proposed conduct. Any minimal detriment is outweighed by the public benefits outlined above.

7. Further information

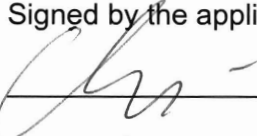
- (a) **Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice**

c/- Warren Scott
Mills Oakley Lawyers
Level 4/121 William Street
MELBOURNE VIC 3000

Telephone: 03 9605 0984
Facsimile: 03 9670 9111
Email: wscott@millsoakley.com.au

Dated: 11 June 2008

Signed by the applicant giving notice



**Warren Scott
Mills Oakley Lawyers
For the Fix**

