

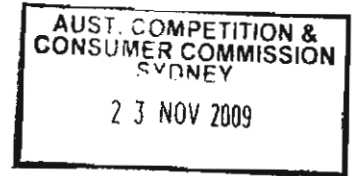
FILE No:
DOC:
MARS/PRISM:

W
Wood Marshall Williams

Our Ref: PW:LK:291479
Enquiries: Peter Wood
If Unavailable:

19 November 2009

Australian Competition & Consumer Commission
Level 7/123 Pitt Street
SYDNEY NSW 2000



Dear Sirs

**RE: TASTE BAGUETTE PTY LTD - NOTIFICATION OF
EXCLUSIVE DEALING**

We act for Taste Baguette Pty Ltd. We enclose herewith:

- (a) Notification of Exclusive Dealing; and
- (b) Our cheque in your favour in the sum of \$200.00

Kindly let us know if anything further is required. Otherwise we look forward to receiving your response at your convenience.

Yours faithfully
WOOD MARSHALL WILLIAMS

Peter Wood

Email: pwood@wmw.com.au

Encl.

Neale Marshall
Solicitor, Public Notary &
Registered Migration
Agent 9688015

Peter Wood
Consultant

19 NOV 2009

Form G
Commonwealth of Australia
Trade Practices Act 1974 — subsection 93 (1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to subsections 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 FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

N94333
N94334 Taste Baguette Pty Ltd ACN 134 499 317

- (b) Short description of business carried on by that person:
(Refer to direction 3)

A retail bakery and café/restaurant business franchise system

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

42 Foveaux Street, Surry Hills, New South Wales, 2010

2. Notified arrangement

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

- (i) a requirement that products, ingredients and consumables for franchised bakery café/restaurant businesses be acquired from the Applicant, from associates of the Applicant or from suppliers nominated by the Applicant.
- (ii) a requirement to participate in joint marketing schemes unless disallowed by a majority of Franchisees.

- (b) Description of the conduct or proposed conduct:

- (i) To preserve and maintain a consistency of goods and services and their high quality Franchisees are required to purchase all products, ingredients and consumables either from the Applicant or an associate of the Applicant or from suppliers nominated by the Applicant.

- (ii) Franchisees may be required to contribute to marketing or advertising promotions, designed to promote the Franchise System and its Franchisees, with services to be provided by an Agency nominated by the Applicant and must contribute to the cost unless a majority of Franchisees determine not to support the promotion.

A copy of the Franchise Agreement and Disclosure Document are supplied with this Notification.

(Refer to direction 4)

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:

(Refer to direction 5)

- (i) Franchisees of the Applicant's System
- (ii) customers of Franchisees.
- (iii) competing suppliers.

- (b) Number of those persons:

- (i) At present time:
 - (i) Franchisees – Nil
 - (ii) customers – Not known
 - (iii) competing suppliers – Not known.

- (ii) Estimated within the next year:

(Refer to direction 6)

- (i) 5
- (ii) Not known
- (iii) Not known.

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

4. Public benefit claims

- (a) Arguments in support of notification:

(Refer to direction 7)

- (i) The requirement that Franchisees accept supplies of products, ingredients and consumables as notified helps to ensure that the public can receive from Franchisees a consistently high quality of goods and services at competitive prices.
- (ii) The requirement that Franchisees participate in joint marketing schemes will assist the Applicant to ensure that the Franchise System is developed and strengthened ensuring that its goods and services are available to the public, it

expands its employment of staff and it promotes the sale of the products and ingredients required for the Franchised Businesses.

- (b) Facts and evidence relied upon in support of these claims:
- (i) Enquiries made by the Applicant and its past experience indicates that it is able to ensure a high quality of products, ingredients and consumables and better pricing by negotiating with suppliers and by supervising preparation and delivery itself.
 - (ii) The Applicant has made enquiries of advertising and marketing experts and has formed the view that joint marketing campaigns involving all of its Franchisees will produce a more cost effective promotion of its products and services, allowing it to maintain lower retail prices.

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):

(Refer to direction 8)

- (i) The market in respect of the product, ingredients and consumables referred to in notification (i) comprises suppliers of food and beverage products. There are many wholesale suppliers for all such items.
- (ii) The market in respect of marketing promotions referred to in notification (ii) comprises Advertising and Marketing suppliers There are many participants in these activities.

6. Public detriments

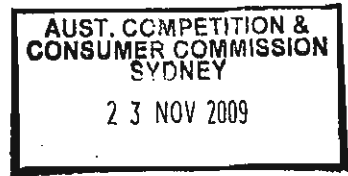
- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:

(Refer to direction 9)

It is not considered that there are any public detriments in respect of either of the notified activities.

- (b) Facts and evidence relevant to these detriments:

Publicly available material, through directories and the internet indicates that there are so many suppliers and acquirers in the affected markets that the notified activities could not impact on their position in a material way.




7. Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Madeleine Siew Imm Cheah
42 Foveaux Street,
Surry Hills, NSW, 2010
Telephone: 0408 118 800
Email: madeleine@tastebaguettes.com.au

Dated..... 17/11/2009
Signed by/on behalf of the applicant

..... 

(Signature)
Madeleine Siew Imm Cheah
(Full Name)
Taste Baguette Pty Ltd ACN 134 499 317
(Organisation)
(Position in Organisation)
Director

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 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. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.