

30 July 2009

Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2001

By Email

Attention: Clare McGinness  
Email: clare.mcginness@acc.gov.au

Dear Clare

**Mr Rental Australia Ltd – Lodgement of Form G Exclusive Dealing Notification under section 93 of the *Trade Practices Act 1974***

Our Ref: DCS:WPV:2910867

We refer to the telephone conversations held with Derek Sutherland and William Vallati of our offices on 30 July 2009.

In relation to the description of the proposed conduct as notified by Mr Rental Australia Ltd (“Mr Rental Australia”) in the Form G Exclusive Dealing Notification dated 24 July 2009, we have been instructed to make the following statement:

1. As a commitment to encouraging and rewarding the loyalty of its customers, Mr Rental Australia proposes to offer its existing and potential customers membership to its new loyalty program, the Mr Rental Keeping Life Simple Club (“KLS Club”), where members are allocated reward points for any amount spent on eligible rental goods from a Mr Rental store. Such allocated reward points can then be redeemed for gifts, non-rental items, and Mr Rental branded merchandise as well as be used for rental payments and deposits for eligible rental goods.
2. The KLS Club will be open to all eligible persons who wish to become members on the basis of the KLS Club Terms and Conditions. Membership in the KLS Club and the allocation of reward points will be approved by Mr Rental Australia on the condition that the member has been approved through the Mr Rental rental agreement process and the member has entered into a Mr Rental rental agreement for a minimum period of 12 months.
3. Accordingly, the above described conduct may be construed as breaching the Exclusive Dealing and Third Line Forcing provisions under section 47(6) and 47(7) of the *Trade Practices Act 1974*. Such scrutiny may be formed on the basis where Mr Rental Australia will supply KLS Club memberships and allocate reward points to members on the condition that they are approved to enter into a Mr Rental rental agreement for a minimum period of 12 months to acquire goods of a particular kind or description from a third party in terms of a member renting eligible goods from a participating Mr Rental store which is operated by an independent franchisee of Mr Rental Australia.
4. In light of this, Mr Rental Australia seeks to notify the ACCC of the proposed conduct under section 93(1) of the *Trade Practices Act* and submits that the conduct:
  - (a) would be of benefit to consumers in offering reward to customers;
  - (b) would occasion no public detriment; and

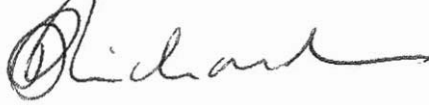
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(c) would have no anti competitive effect.

Should you wish to discuss any further issues relating to the Form G Exclusive Dealing Notification, please do not hesitate to contact us.

Yours faithfully

**DibbsBarker**



**Derek Sutherland**

**Partner**

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*for*