

AUST. COMPETITION &
CONSUMER COMMISSION
MELBOURNE
12 2 JUL 2010

MYER

ACN 004 143 239
ABN 83 004 143 239

Myer Pty Ltd
Level 7, 800 Collins Street
Docklands Victoria
Australia 3008

FILE No:
DOC:
MARS/PRISM:

16 July 2010

The General Manager
Adjudication Branch
The Australian Competition & Consumer Commission
Level 35
360 Elizabeth Street
MELBOURNE VIC 3000

Dear Sir

Exclusive Dealing Notification

We enclose the following:

- cheque for \$100
- Exclusive Dealing Notification

If you have any queries in respect of the notification, please feel free to telephone me on 03 8667 7842.

Yours faithfully



Wai Wong
Myer Pty Ltd

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:

Myer Pty Ltd, ABN: 83 004 143 239

(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:

800 Collins Street, Docklands Victoria 3008

2. Notified arrangement

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

Discount on merchandise

(b) Description of the conduct or proposed conduct:

Myer is proposing to supply, or offer to supply, discounts on merchandise from the Miss Shop department to consumers on condition that they acquire goods from Boost Juice Bars. Discount vouchers redeemable at Myer will be distributed by Boost Juice Bars to consumers.

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:

Current and future customers of Myer Pty Ltd

(b) Number of those persons:

(i) At present time:

Unknown

(ii) Estimated within the next year:

Unknown

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

Not applicable

4. Public benefit claims

(a) Arguments in support of notification:

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

(i) *provide consumers the opportunity to acquire a discount on goods and services at the Myer Miss Shop department.*

(ii) *promote competition in the relevant markets by encouraging competitors to offer value added or discounts on goods and services.*

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

(i) *The proposed conduct will not substantially lessen competition in the relevant retail markets for goods and/or services, as there are a significant number of actual competitors and potential competitors for the supply of retail goods and services.*

(ii) *The public will be able to purchase goods from Boost Juice Bars regardless of whether they shop at Myer or not. We understand that Boost Juice Bars will continue to conduct business as usual.*

(iii) *Discount vouchers or other benefits or privileges from Myer are valuable products to many retail consumers, and the ability for Myer to extend these offers to customers of Boost Juice Bars is 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 markets most likely to be affected by the proposed conduct are the markets for retail goods and services such as electric, furniture, homewares and juice bars

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:

Myer does not believe that there will be any public detriment resulting from the notified conduct.

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

No public detriment will arise from the notified conduct for the following reasons:

- (i) the public will be able to purchase goods and/or services from Myer regardless of whether they purchase items from Boost Juice Bars or not;*
- (ii) the retail market for goods is characterised by large numbers of competitors and very intense competition;*
- (iii) the proposed conduct will not prevent competitors of Myer, or competitors of Boost Juice Bars, from competing effectively; and*
- (iv) the proposed conduct will have a positive impact on competition in the relevant market.*

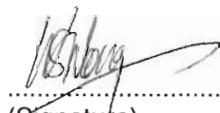
7. Further information

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

*Wai Wong
Compliance & Risk Manager
Level 7, 800 Collins Street
Docklands Victoria 3008*

Dated 16 July 2010

Signed by/on behalf of the applicant

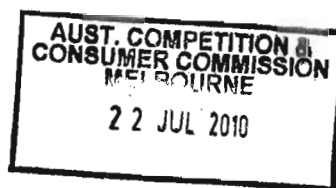


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(Signature)

Wai Wong
(Full Name)

Myer Pty Ltd
(Organisation)

Compliance & Risk Manager
(Position in Organisation)



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.

