

FILE No:
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MARS/PRISM:

## 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)*

N95189 **RB Communications P/L (A.C.N. 056 427 019)**

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

RB Communications P/L Sells and connects Mobile Phone equipment, Wireless Data equipment and accessories to the Telstra Mobile Phone network as a contracted dealer to Telstra.

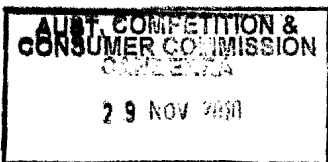
- (c) Address in Australia for service of documents on that person:

Mrs. Judy Barnes,  
 RB Communications P/L  
 PO Box 1300,  
 Charters Towers,  
 QLD., 4820.

**2. Notified arrangement**

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

RB Communications will offer to supply Mobile Phone equipment, Wireless Data equipment and related devices to customers on the condition they take up telecommunications services or related goods and services from Telstra.



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

**It is RB Communications proposal to :-**

Supply or Offer Telstra products such as Mobile Phones, Wireless Data devices and related equipment on the condition the customer agrees to telecommunication service plans from Telstra.

Refuse to supply or offer to supply certain Telstra related products for the reason that the customer does not also agree to acquire telecommunications services from Telstra.

*(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)*

Consumer and Business customers

- (b) Number of those persons:

- (i) At Present

Greater than 50

- (ii) Estimated within the next year:

Greater than 50

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

(Greater than 50)

**4. Public benefit claims**

- (a) Arguments in support of notification:  
*(Refer to direction 7)*

Products to be supplied with the requirement to use Telstra as the telecommunications services provider can be offered at reduced prices or at no cost.

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

Mobile Phones, Wireless Data products and related items are valued products and their supply at discounted prices or for no cost may be of considerable benefit to consumers.

**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)*

There are a number of markets that may be relevant including the markets for the supply to retail consumers of Mobile Phones and Mobile Data devices and related communications devices.

**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)*

There are no public detriments likely to result from the proposed conduct.

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

The proposed conduct will not lessen competition because :-

The retail markets for Telstra Products have large numbers of competitors and the competition is intense.

RB Communications operates in a small country town with one outlet, it has little market power in any 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:

Officer: Judy or Ray Barnes.

RB Communications P/L.

PO Box 1300.

Charters Towers.

QF D., 4820

Dated 29/11/10

Signed by/on behalf of the applicant

(Signature)

Rhonda Barnes

(Full Name)

RB Communications P.L.

(Organisation)

Director

(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.