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AUST COMPETITION & CONSUMER
COMMISSION - ADELAIDE

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)

N95448

One Solution Mobile & Data Pty Ltd (A B N 82147043713)

One Solution Mobile & Data Pty Ltd operates as a Premium Telstra Dealer and has been appointed by Telstra (with authorisation) to promote the sale of, and extend the demand for Telstra telecommunications services and related goods and services.

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

(Refer to direction 3)

One Solution supplies a range of telecommunication products to the Business and Corporate customers. These products include mobile phones, smart phones, and internet dongles, fixed line connections, Business broadband and Phone systems

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

Troy Perriam

One Solution Mobile & Data Pty Ltd

Level 1 / 255 Pultney St

Adelaide SA 5000

Tel : 0882239500

2. Notified arrangement

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

One solution will offer Dealer Products including telecommunication goods and services including mobile phones, smart phones, fixed phone systems, data products and more. Promotional Products that may be offered include vouchers, electrical goods, accessories or food items.

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

Dealer Proposes to:

- (i) Supply a Dealer Product or Promotional Product to retail customers on the agreement that the customer obtains or agrees to obtain telecommunication products and services or a telecommunication Telstra service plan.
- (ii) Decline to supply or decline to offer to supply a Dealer Product or Promotional Product to retail customers for the reason that the customer has not obtained or agrees to obtain telecommunication products and services or a telecommunication Telstra service plan.
- (iii) Supply or allow or offer to supply or allow a rebate, allowance, discount or credit in relation to a Dealer Product or Promotional Product to retail customers on the agreement that the customer obtains or agrees to obtain telecommunication products and services or a telecommunication Telstra service plan.

(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)

Retail customers who also include small business and medium to large enterprise.

- (b) Number of those persons:

- (i) At present time:

Higher than 50

- (ii) Estimated within the next year:

Higher than 50

- (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:
(Refer to direction 7)

The proposed conduct will benefit the community as it will allow retail customers the obtain Dealer Products or Promotional Products at a discount or at a lower cost. As well it may lead to better network support and may encourage greater innovation from other telecommunication providers.

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

Dealer Products include telecommunication goods and services including mobile phones, fixed phone systems, data products. Promotional Products may include accessories, vouchers, electrical goods and food items. These products are valuable to consumers and the opportunity to obtain them at a discounted or lower cost may be of great 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 several markets that may be applicable including markets for the supply to retail customers of mobile phones as well as fixed line phones, smart phones, data products plus other communication products.

These markets are characterised by intense completion with leading suppliers as well as smaller retailers.

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:

(i) the retails markets for the Dealer Products or Promotional Products are characterised by the immense number of competitors and the intense competition.

(ii) Dealer does not have a substantial degree of market power in any relevant market.

- (ii) The benefits from the proposed conduct will far outweigh any conceivable detriment considered to arise from the proposed conduct.

7. Further information

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

. Troy Perriam

One Solution Mobile & Data Pty Ltd
Level 1 / 255 Pultney St
Adelaide SA 5000

Tel : 0882239500

Dated..... 21/6/11

Signed by/on behalf of the applicant

.....
(Signature)

TROY ANTHONY PERRIAM
.....
(Full Name)

ONE SOLUTION MOBILE & DATA PTY LTD
.....
(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.