

27 July 2011

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
Level 35, The Tower  
360 Elizabeth Street  
Melbourne VIC 3000

**By Email**

Dear Mr Chadwick

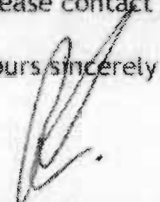
**Form G Notification of Exclusive Dealing Conduct**

Please find attached:

- An exclusive dealing notification Form G for lodgement by Coles Supermarkets Australia Pty Ltd (ABN 45 004 189 708); and
- Confidential credit card details to charge the lodgement fee of \$100.00.

Please contact me if you have any queries relating to this matter.

Yours sincerely

  
**Brant Charman**  
*Corporate Solicitors Office*  
Coles

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CANBERRA**

**27 JUL 2011**

## Form G

Commonwealth of Australia  
*Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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)

N95493 Coles Supermarkets Australia Pty Ltd (ABN 45 004 189 708) (Coles).

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

Coles operates retail supermarkets and online delivery services throughout Australia for the supply of grocery products to consumers.

GE Capital Finance Australia (ABN 42 008 583 588) (GE) provides financial services to businesses and consumers. In particular, GE is the credit provider under Australian Credit Licence number 392145 of the Coles branded credit card that is called a Coles Group Source MasterCard.

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

c/- Wesfarmers Corporate Solicitors Office  
Coles Store Support Centre  
800 Toorak Road  
Hawthorn East VIC 3123

### 2. Notified arrangement

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

On occasion Coles promotes Sports for Schools vouchers which are available, subject to certain terms and conditions, to all customers who make purchases of a certain value in store and from Coles Online during the promotion period specified at the time of the offer. The vouchers can be redeemed by registered schools in exchange for various items of sporting equipment.

This notice relates to a proposal for Coles to make bonus Sports for Schools vouchers available to customers who use a particular credit card payment method for their purchases during the relevant promotion period. In particular,

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Coles proposes that GE would offer to supply bonus Coles Sports for Schools vouchers to GE customers who use their Coles Group Source MasterCard at Coles supermarkets, Coles Online, Bi-Lo, and Pick'n'Pay stores during the relevant Sports for Schools promotion period.

(b) Description of the conduct or proposed conduct:

*(Refer to direction 4)*

Coles will only make a particular bonus Sports for Schools voucher offer available to customers who use a specified form of credit card payment to make their purchases.

In particular, GE customers will be able to register their details online with GE to be eligible for bonus Sports for Schools vouchers to be automatically allocated to a school of their choice at the end of the relevant Sports for School promotion period. Subject to certain terms and conditions, a bonus voucher will be issued to customers for every complete \$10 spent in a single transaction at Coles supermarkets, Coles Online, Bi-Lo, and Pick'n'Pay stores on a Coles Group Source MasterCard during the relevant promotion period. The vouchers will be in addition to any Sports for Schools standard or bonus vouchers handed out by Coles either instore at checkout or from Coles Online during the relevant promotion period.

GE will make bonus Sports for Schools vouchers available to GE customers on condition that they purchase from Coles using a Coles Group Source Mastercard. Coles will only make this particular bonus Sports for Schools vouchers offer available to customers who use their Coles Group Source Mastercard to make their purchases.

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)*

GE customers of the Coles Source Mastercard and Coles customers wishing to participate in any Sports for Schools vouchers promotion.

(b) Number of those persons:

(i) At present time:

Substantially more than 50.

(ii) Estimated within the next year:  
*(Refer to direction 6)*

Substantially more 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)*

Last year, Coles supplied over \$7 million worth of sports gear to 7,665 schools with the help of the local community. The proposal for certain credit card customers to receive certain bonus vouchers will allow further promotion of any Sports for Schools offer and for Coles Group Source MasterCard customers to help their local participating school raise even more vouchers. These vouchers are in addition to the vouchers all customers will receive in store at the checkout or via Coles Online for participation in a Sports for Schools voucher promotion.

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

During a Sports for Schools promotion period, customers are able to earn vouchers by a number of means, including a certain spend in store or online and including bonus points for particular products or particular periods. Although the general public will not be able to access the particular credit card offer, they will be able to accrue vouchers and other non-card based bonus vouchers throughout the relevant promotion period.

**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)*

The proposed conduct relates to financial services for credit card customers, the purchase of supermarket products and the supply of promotional vouchers for schools to use to purchase sports equipment for their pupils.

**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 known public detriments.

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

GE customers who hold a Coles Group Source MasterCard are not obliged to participate in the Sports for Schools voucher program but can choose to do so if they wish to earn bonus vouchers. The general public will be able to access Sports for Schools vouchers through certain purchases at Coles during the relevant promotion period. The proposal will not have any adverse effect on competition in relation to credit card services because a number of significant providers offer competitive financial products and promotions. Similarly there will be no adverse impact on supermarket competition, where competitors offer a range of varied promotions and special offers.

**7. Further information**

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

c/- Helen Anness  
Wesfarmers Corporate Solicitors Office  
Coles Store Support Centre  
800 Toorak Road  
HAWTHORN EAST VIC 3123  
Telephone: 03 9829 5716

Dated 27/07/2011

Signed by/on behalf of the applicant

(Signature)

BRANT CHARMAN  
(Full Name)

COLES SUPERMARKETS AUSTRALIA PTY LTD  
(Organisation)

LEGAL COUNSEL  
(Position in Organisation)