

## 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)

N95660 Origin Energy Electricity Limited (ABN 33 071 052 287) ("**Origin**").

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

Origin is a retailer of electricity in Victoria, New South Wales, Queensland and South Australia.

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

Level 45, 264-278 George Street, Sydney, NSW, 2000.

### 2. Notified arrangement

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

The arrangement relates to the supply of electricity to small business customers.

- (b) Description of the conduct or proposed conduct:  
(Refer to direction 4)

Origin proposes to offer to supply electricity to members of the Baking Associations Of Australia, South Australia (ABN 21 589 131 140) ("**BAASA**") until 19 January 2014 on terms which provide benefits more favourable to those members than Origin's standard market terms offered to the same size customers who are not members of BAASA. The exact benefit to BAASA members will vary depending on the particular offer, for example, it may be that BAASA members are offered a greater discount on their electricity usage or receive a rebate on their electricity bill.



**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)

The class of persons to which the conduct relates are members of BAASA who are "small customers" as defined in the *Electricity Act 1996 (SA)* and are also business customers.

- (b) Number of those persons:

- (i) At present time:

None - Origin will not start to sign up any BAASA members as part of this offer until this notification comes into force.

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

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:  
(Refer to direction 7)

The public benefit of this conduct is a benefit to members of the BAASA who take up this offer from Origin. This benefit is that Origin will offer to supply BAASA members on terms which provide benefits more favourable to those members than the benefits offered to the same size customers under Origin's standard market terms.

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

Examples of the benefits that may be offered include greater discounts on electricity usage charges than those Origin makes available to non BAASA members under its standard market terms for customers of the same size. They may also include rebates on BAASA members' electricity bills or a combination of discounts and rebates which together give BAASA members a greater benefit than that available to other Origin customers of the same size.

**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 market in which electricity is supplied is the retail market for electricity supply within the National Electricity Market. Origin supplies electricity in Victoria, New South Wales, Queensland and South Australia. Other electricity retailers operating in Australia include TRU Energy, Click Energy, Neighbourhood Energy, Red Energy, AGL and Lumo Energy. Electricity retailers must be licensed in order to operate.

**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)

Origin does not believe the proposed conduct will result in any detriments to the public.

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

As per section 4, Origin believes the only impact on the public resulting from this arrangement will be a greater benefit to BAASA members in relation to their electricity supply than that made publicly available by Origin to the same sized customers. Because of this there is no public detriment. Further, there is strong price and non-price competition in the retail market for electricity for small business customers in the form of offers which are available to non BAASA members.

**7. Further information**

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

Penny Gray

Marketing Manager

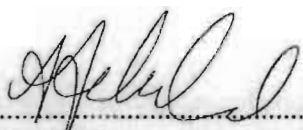
Level 14, 321 Exhibition Street

Melbourne VIC 3000

Phone: 03 9821 8041

Dated.....20/12/11.....

Signed by/on behalf of the applicant

  
.....  
(Signature)

*Annette Ackland*  
.....  
(Full Name)

*Origin Energy*  
.....  
(Organisation)

*Strategic Segment Marketer*  
.....  
(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 *Competition and Consumer Act 2010* 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.