

14 August 2012

FILE No:
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MARSAPRISM:



thegoodguys.com.au

Australian Competition & Consumer Commission
Adjudication Branch
Level 2,
23 Marcus Clarke Street
Canberra ACT 2606

THE MUIR
ELECTRICAL
COMPANY PTY LTD

ABN 88 004 453 945
ACN 004 453 945

Dear sir/madam,

We refer to previous correspondence with Mr Garth Layton of your office and now enclose the following:

- Executed Form G – Notification of Exclusive Dealing
- Two cheques in the amount of \$100.00 made payable to the ACCC for each of the entities listed on Form G

If you have any queries regarding this matter please contact our office.

Yours faithfully,

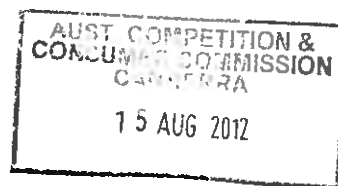
Jessica Reeves
Executive Assistant

**Legal Services
Department**

Tel: (03) 9330 6526
Fax: (03) 9330 6590

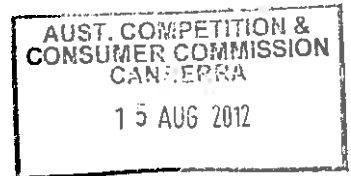
Correspondence to:
PO Box 154
Niddrie VIC 3042

Courier deliveries to:
2-10 Hood Street
Airport West VIC 3042



“For every purchase
you make, we donate
to local community
organisations.”





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)

N96056 The Muir Electrical Company Pty Ltd and The Good Guys Discount
N96057 Warehouses (Australia) Pty Ltd

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

Sale of retail electrical products

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

2-10 Hood Street Airport West Victoria 3042.

2. Notified arrangement

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

Customers wishing to purchase consumer goods on finance have a variety of competitive options including credit cards and in store finance options offered by several third party providers. Provision of interest free financing is an option offered by G E Finance Ltd t/as GE Money who are one of the in store providers.

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

The Good Guys Good Guys Discount Warehouses (Australia) Pty Ltd proposes to offer a bonus or incentive to customers on condition that customers obtain GE Finance Ltd's interest free financing option for purchase of retail goods.

(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)

General consumers purchasing from the Applicant's stores

G E Finance Limited as the provider of the interest free finance and its competitors

The applicant and associated companies as the retailer of relevant goods

- (b) Number of those persons:

- (i) At present time:

500+

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

500+

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

.....

4. Public benefit claims

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

There are a variety of finance options available to customers, accordingly the proposed action is not effecting a reduction in competition or a restriction of available supply. Under the proposed program, customers will actually receive an additional incentive or benefit for considering a particular form of finance but are open at all times to select any alternative financing form should they wish. The incentive is to be provided by the third party supplier to encourage use of and promote its products. The incentive is not provided by the store which actively makes available to customers any payment method they may prefer.

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

Multiple alternative sources of supply

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)

Normal electrical retail goods available from multiple locations and outlets within Australia. Similar programs are offered by all major competitors including Harvey Norman.

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)

None anticipated

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

An Incentive not a restriction. The market for electrical appliances is extremely competitive and normal market forces control price levels.

7. Further information

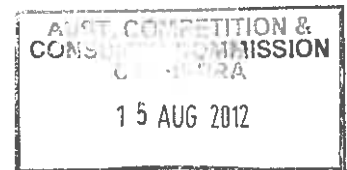
- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Richard Stewart Legal Counsel

2-10 Hood Street

Airport West Vic 3042

(03) 9330 6551



Dated.....14/08/12.....

Signed by/on behalf of the applicant

.....
(Signature)

RICHARD STEWART.....

(Full Name)

THE MULIR ELECTRICAL CO. PTY LTD.....

(Organisation)

LEGAL COUNSEL.....

(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.