

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:

N96949 SRG Leisure Retail Pty Ltd (ABN 51 110 667 411) trading as BCF Australia ("BCF")

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

BCF operates a boating, camping and fishing outdoor specialty store.

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

Attention: Jin Poh, General Counsel
SRG Leisure Retail Pty Ltd
751 Gympie Road, Lawnton, Queensland 4501.

2. Notified arrangement

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

The supply of boating, camping and fishing outdoor specialty goods, and the supply of beer.

(b) Description of the conduct or proposed conduct:

Offer to redeem a voucher, as part of a trade promotion, which will be provided to persons who have acquired specially marked 24 Stubby Cartons or 30 Can Blocks of XXXX GOLD beer from participating liquor outlets between 23/09/13 and 24/11/13 (subject to rate of sale). These promotional beer products are produced by Lion-Beer, Spirits and Wine Pty Ltd (ABN 13 008 596 370) (*Lion*). The packaging for these products will include a \$20 gift voucher that can be cut out and redeemed on purchases of more than \$100 from BCF outlets, subject to certain conditions set out on product packaging and online at www.xxxxisland.com.au.

The proposed offer by BCF to redeem the gift voucher may constitute third line forcing pursuant to sections 47(6) and 47(7) of the Act, as it might be argued that BCF is offering to give or allow a discount, allowance, rebate or credit on the purchase of products from its outlets on the condition that the customer acquires XXXX GOLD beer from a participating retail liquor outlet, or is refusing to give or allow a discount, allowance, rebate or credit for the reason that the customer has not acquired XXXX GOLD beer (from participating retail liquor outlets).

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:

Persons who have acquired or who may acquire XXXX GOLD beer during the Offer Period being 00.01 EST on 23/09/2013 and closes at 23.59 EST on 20/06/2014 or while stocks last.

Persons who have acquired or may acquire products from BCF during the Offer Period being 00.01 EST on 23/09/2013 and closes at 23.59 EST on 20/06/2014 or while stocks last.

- (b) Number of those persons:

- (i) At present time:

Approximately 2.5 million cartons/cases of XG will be supplied.

- (ii) Estimated within the next year:

As above.

- (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:

The conduct described in 2(b) will be of public benefit because:

- (i) the conduct will promote competition in the relevant markets by encouraging competitors to provide similar and other value added offers; and
- (ii) the conduct will enable consumers the opportunity to obtain the BCF gift voucher on purchases of promotional Lion products at no additional cost.

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

BCF refers to the matters outlined at 4(a) above. Attached are the conditions of entry for the proposed promotion, which provide further details of the benefits to be offered to purchasers of XXXX GOLD beer at no additional cost.

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):

The markets likely to be affected by the proposed conduct are:

- (a) The market for the supply of beer and other alcoholic beverages, which is characterised by many suppliers, regular new entry by competitors and new products, vigorous competition and regular promotion of products to attract consumers.

- (b) The market for the supply of boating, camping and fishing products, which is characterised by many suppliers (including retailers specialising in outdoors and/or recreational goods, such as Ray's Outdoors, Anaconda, Kathmandu, Big W, Kmart, Tackle World, Camping World, Bias Boating, Whitworths, discount department stores, and online retailers) and vigorous competition.

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:

BCF does not consider that the proposed conduct will result in or is likely to result in any public detriment as:

- consumers are under no obligation to acquire products from BCF or participating liquor outlets;
- consumers may obtain products from BCF without purchasing XXXX GOLD beer from participating retail liquor outlets, and may obtain products from participating retail liquor outlets without purchasing products from BCF;
- consumers may acquire equivalent products and services from a range of alternative retailers;
- the promotion does not involve any increase in the prices of either the XXXX GOLD beer or the BCF goods, which prices are in each case constrained by the pricing of competitors and their competing products; and
- competition for the supply of beer and the supply of outdoor goods is vigorous and there are many competitors. The notified conduct is likely to promote competition in the relevant markets, not lessen it.

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

BCF refers to the matters outlined at 6(a) above.

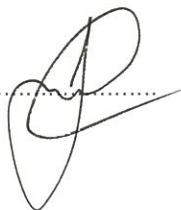
7. Further information

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

Attention: Jin Poh, General Counsel
SRG Leisure Retail Pty Ltd
751 Gympie Road, Lawnton, Queensland 4501
Telephone: (07) 3482 7507
Facsimile: (07) 3482 7169
Email: jinp@superretailgroup.com

Dated: 4 September 2013
Signed on behalf of the applicant

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(Signature)
Jin Poh, General Counsel
SRG Leisure Retail Pty Ltd



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.
2. 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.
3. 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.
4. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
5. 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.
6. Describe the business or consumers likely to be affected by the conduct.
7. 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.
8. 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.
9. 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.
10. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.

**XXXX GOLD; BCF
\$20 off a \$100 spend at BCF
Terms & Conditions**

Terms and conditions to be placed within voucher. Voucher to include the following copy:

How to redeem your offer

1. Cut out and take this voucher into any BCF Outlet and provide at the checkout;
2. Sign up to Club BCF (if not already a member); and
3. Use voucher in one transaction valued \$100 or more.

OR

1. Visit bcf.com.au and input voucher code at the online checkout;
2. Sign up to Club BCF (if not already a member); and
3. Use voucher in one transaction valued \$100 or more.

Offer valid until 30/06/2014

Terms and Conditions to sit within voucher on packaging:

Offer valid until 30/06/2014

Limit of one voucher per club BCF member. Not redeemable for cash. Only valid on purchases of \$100 or more to persons who have signed up to Club BCF.

Offer open to Australian residents over the age of 18. Offer valid from 00.01 EST on 23/09/2013 to 23.59 EST on 30/06/2014 or while stocks last. Offer entitles eligible claimants to \$20 off of a spend of \$100 or more at BCF Outlets or www.bcf.com.au during the Offer Period provided that the claimant signs up to Club BCF (if not already a member) and holds a valid voucher. Claimant must show valid voucher when redeeming offer in BCF Outlet. No copies or re-productions will be accepted. Voucher is not redeemable for cash or gift cards, nor is valid towards previous or layby purchases or special orders. Only one voucher can be used per transaction. Limit of one voucher per club BCF member. Offer not valid in conjunction with any other offer. The Promoter supports the responsible service of alcohol. See www.bcf.com.au for full terms and conditions. The Promoter is Lion-Beer, Spirits and Wine Pty Ltd (ABN 13 008 596 370) Level 7, 68 York Street, Sydney NSW 2000.

Terms and Conditions for website:

1. Information on how to enter and offers form part of these conditions. By participating, claimants agree to be bound by these conditions.
2. Offer is open to residents of Australia who are 18 years and over. Employees and their immediate families of the Promoter and its agencies associated with this offer are ineligible to enter. This offer is limited to BCF outlets in Australia that have been invited by the Promoter to participate ("BCF Outlet").
3. To redeem the offer, purchase a specially marked 24 Stubby Carton or 30 Can Block of XXXX GOLD from a Participating BCF Outlet during the Offer Period and locate the voucher printed on the end of the specially marked pack. The claimant must do one of the following during the Offer Period:

- a. Visit any BCF Outlet;
- b. Present the voucher at point of purchase on purchases of \$100 or more; and
- c. Sign up to the Club BCF (if not already a member)

in order to have \$20 subtracted from the total bill

OR

- a. Visit www.bcf.com.au;
- b. Key in the voucher code at the final stage of your online purchase of \$100 or more when requested to provide code; and
- c. Sign up to the BCF Club (if not already a member)

in order to have \$20 subtracted from the total bill.

4. The offer commences at 00.01 EST on 23/09/2013 and closes at 23.59 EST on 20/06/2014 or while stocks last ("Offer Period"). Vouchers received after 23.59 EST on 30/06/2014 will not be accepted.
5. Offer entitles the claimant to \$20 off a spend of \$100 or more at Participating BCF Outlets or www.bcf.com.au during the Offer Period provided that the claimant signs up to Club BCF and holds a valid voucher. Claimant must show valid voucher when redeeming offer in BCF Outlet. No copies or reproductions will be accepted. Voucher is not transferable, redeemable for cash or gift cards, nor is valid towards previous or layby purchases. Total RRP value of offer = \$20. All taxes (excluding GST) which may be payable as a consequence of receiving a prize are the sole responsibility of the claimant.
6. Only one voucher can be used per transaction of \$100 or more and cannot be used in conjunction with any other offer. Limit of one voucher per club BCF member.
7. If any offer or any element of an offer becomes unavailable for reasons beyond the Promoter's control, the Promoter may substitute an offer or element of an offer of equal or greater value at the Promoter's sole discretion, subject to any written directions from the relevant authorities. Claimants will not be entitled to any additional compensation in the event that the offer or element of an offer has been substituted at equal or greater value.
8. The Promoter assumes no responsibility for any failure to receive an entry or for inaccurate information or for any loss, damage or injury as a result of technical or telecommunications problems, including security breaches. If such problems arise, then the Promoter may (where necessary with the approval of the relevant lottery authority) modify, cancel, terminate or suspend the promotion.
9. The Promoter reserves the right to request verification of age, identity, residential address and any other information from claimants relevant to entry into or participation in this promotion. Verification is at the discretion of the Promoter, whose decision is final. The Promoter reserves the right to disqualify any individual who provides false information, fails to provide information, conspires with others to gain an unfair advantage or who is otherwise involved in any way in manipulating, interfering or tampering with this promotion. If such problems arise, then the Promoter may (where necessary with the approval of the relevant lottery authority) modify, cancel, terminate or suspend the promotion.

10. The offer is subject to the terms and conditions of SRG Leisure Retail Pty Ltd A.B.N. 51 110 667 411.
The Promoter is not responsible or liable for any loss, damage or injury suffered by any winner as a result of the conduct of SRG Leisure Retail Pty Ltd A.B.N. 51 110 667 411 or otherwise as a result of the claimant accepting and/or using an offer, except for any loss, damage or injury which is due to the negligence or wilful misconduct of the Promoter or which otherwise cannot be excluded by law.
11. The Promoter supports the responsible service of alcohol.
12. Entries and vouchers remain the property of the Promoter and BCF. Details from entries will be collected and used for the purpose of conducting this promotion (which may include disclosure to third parties, including local lottery authorities, for the purpose of processing and conducting the promotion) and for promotional purposes surrounding this promotion. By entering this promotion claimants consent to the use of their information as described and agree that the Promoter may use this information, or disclose it to other organisations that may use it, in any media for future promotional, marketing and publicity purposes without any further reference or payment to the entrant. Claimants may access, change and/or update their personal information and obtain a copy of the Promoter's privacy policy by contacting the Promoter on 1800 308 388 during office hours.
13. The Promoter is Lion-Beer, Spirits and Wine Pty Ltd (ABN 13 008 596 370) Level 7, 68 York Street, Sydney NSW 2000.