



**Australian
Competition &
Consumer
Commission**

Our Ref: 53141
Contact Officer: Luke Griffin
Contact Phone: 02 6243 1114

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

29 November 2013

Dear Sir / Madam

David Jones Limited application for revocation of authorisation A91113 and substitution of new authorisation A91398 – interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for re-authorisation (application for revocation and substitution) received from David Jones Limited (David Jones) on 27 November 2013.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. Please see the ACCC's publication *Authorisation process - the basics for a summary of the authorisation process and how to make a submission to the ACCC*.

Application for 're-authorisation'

David Jones seeks re-authorisation to enable it to invite Retail Brand Management Businesses operating within its stores to participate in certain promotions. Participation by Retail Brand Management Businesses in the proposed conduct would be voluntary and decided by each Retail Brand Management Business on a promotion by promotion basis. They will otherwise be able to price and discount at their discretion.

The ACCC granted authorisation to David Jones for substantially similar conduct in 2009 and prior to that in 2003.

A copy of the application is available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Interim authorisation

David Jones has requested interim authorisation to enable it to continue to invite Retail Brand Management Businesses to participate in David Jones promotions while the ACCC is considering the substantive application and until the ACCC's final determination comes into effect.

As authorisation A91113 does not expire until 12 March 2014, the ACCC intends to consider the request for interim authorisation at the time of its draft determination.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim is or is not granted
- possible benefit and detriment to the public
- the urgency of the matter and
- whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

The ACCC invites you to outline your general experience of the conduct during the term of the previous authorisation. The ACCC would also welcome your views on the public benefits and detriments you consider have actually resulted from the conduct during the previous authorisation period.

Submissions on David Jones' request for interim authorisation and the substantive application for re-authorisation should be provided by **20 December 2013**.

Alternatively, if you would like to provide comments orally, please contact Luke Griffin on 02 6243 1114 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication Guidelines for excluding information from the public register.

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
27 November 2013	Lodgement of application and supporting submission, including request for interim authorisation.
29 November 2013	Public consultation process begins.
20 December 2013	Closing date for submissions from interested parties.
January 2014	Applicant responds to issues raised in the public consultation process.

Indicative date	Stage in assessment process
February 2014	Draft determination, including decision regarding interim authorisation.
February/March 2014	Public consultation on draft determination including any conference if called.
April 2014	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Luke Griffin on 02 6243 1114.

Yours sincerely



Darrell Channing
Director
Adjudication Branch

This letter was sent to the following interested parties:

Australian National Retail Association
Australian Retailers Association
Australian Small Business Centre Pty Ltd
Centro Properties Group
Consumer Affairs Victoria
Consumer and Business Services (South Australian Government)
Council of Small Business Organisations of Australia
Choice
Consumers' Federation of Australia
Jen Retail Properties
National Association of Retail Grocers of Australia
National Independent Retailers Association
National Retail Association
Office of Fair Trading (Queensland Government)
Office of the Small Business Commissioner (NSW Government)
Office of the Victorian Small Business Commission
Property Council of Australia
Retail First
Retail Traders Association of the ACT & Region
Retail Traders Association of WA
Small Business Association of Australia
Small Business Commissioner (South Australian Government)
Small Business Development Corporation
Stockland
United Retail Federation
WA Retailers Association Inc
Westfield Group