

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)

N96636

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, South Australia and the Australian Capital Territory.

- (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 residential customers.

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

Origin proposes to offer to supply electricity to existing and prospective members of Australian Football League (AFL) clubs ("eligible customers") on terms which provide benefits more favourable to those customers than Origin's standard market terms offered to the same size customers who neither are, nor propose to become, members of such clubs. The benefit will be:

- (i) for a customer who has already purchased an AFL club membership for the 2013 season, Origin will pay the customer a rebate of \$200 on their electricity bill;
- (ii) for a customer who has not already purchased an AFL club membership for the 2013 season, Origin will pay the AFL the cost

of a membership for that customer's selected club and the AFL will remit those moneys to the relevant club. The cost of such memberships varies between clubs and for the 2013 season is between \$180 and \$330 for a membership entitling the customer to attend 11 games.

The proposed conduct will allow eligible customers to become a member of their chosen AFL club with no out-of-pocket expense (or, in the case of eligible customers who have already purchased a membership, a rebate on their electricity bill covering that cost in whole or in part).

The proposed offer may also be made available to eligible customers for the 2014 and 2015 AFL seasons (i.e up to 30 September 2015). Monetary amounts specified in this Notification may vary for the 2014 and 2015 seasons commensurate with movements in the cost of memberships.

Eligible customers who take up this offer may become eligible for further benefits from Origin such as participation in prize draws, football merchandise and other benefits to be determined.

It will be a condition of the offer that a customer (other than a customer who applies for the offer having already purchased their club membership) who terminates their agreement with Origin during a period of up to 12 months after they are accepted for the offer may be subject to cancellation of their club membership.

(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)

The class of persons to which the conduct relates are existing and prospective members of AFL clubs who are residential small retail customers for the purposes of the relevant state legislation, including, for customers in New South Wales, a small retail customer for the purposes of section 92 of the Electricity Supply Act 1995 (NSW); for customers in Victoria, a relevant customer for the purposes of section 36 of the Electricity Industry Act 2000 (Vic) or a customer who consumes less than 160MWh of electricity per year; for customers in Queensland, a small customer for the purposes of the Electricity Act 1994 (Qld); and for customers in South Australia, a small retail customer for the purposes of the National Energy Retail Law (South Australia) Act (SA).

- (b) Number of those persons:
- (i) At present time:
None – Origin will not start to sign up eligible customers as part of this offer until this notification comes into force.
- (ii) Estimated within the next year:
(Refer to direction 6)
Greater 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)
- The public benefit of this conduct is a benefit to eligible customers who take up this offer from Origin. This benefit is that Origin will offer to supply eligible customers 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.
- AFL clubs are expected to benefit from increased levels of membership and financial viability.
- (b) Facts and evidence relied upon in support of these claims:
Origin believes the only impact on the public resulting from this arrangement will be a greater benefit to eligible customers in relation to AFL club membership costs than that made publicly available by Origin to the same sized customers.

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, South Australia and the Australian Capital Territory. Other electricity retailers operating in Australia include AGL, Australian Power and Gas, Click Energy, Dodo Power & Gas, Energy Australia, Lumo Energy, Momentum Energy, Neighbourhood Energy,

Powerdirect, Red Energy, Simply 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 eligible customers 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 customers in the form of offers which are available to non eligible customers.

AFL club memberships will continue to be made available to the general public by AFL clubs without any requirement to enter into an agreement with Origin.

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

321 Exhibition Street

Melbourne VIC 3000

Phone: 03 9821 8041

Dated 1 March 2013

Signed by/on behalf of the applicant



(Signature)

Nazzareno La Gamba

(Full Name)

Origin Energy Electricity Limited

(Organisation)

General Manager, Marketing & Customer Innovations

(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.