

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)

N97200

.....Jenny Dugard TA Body Beyond Baby

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

Provision of group exercise sessions for mothers with onsite childcare

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

6/701 Malabar Road, Maroubra, NSW, 2035

2. Notified arrangement

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

Jenny Dugard TA Body Beyond Baby is entering into an agreement with MasterCard to offer cardholders promotions as follows through their Priceless Sydney program

Cardholders purchase 8 weeks of exercise sessions and receive two complimentary at the end of their term

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

.Cardholders wishing to take advantage of the offer will have to pay using their MasterCard

.....

(Refer to direction 4)

(b) Description of the conduct or proposed conduct:

Cardholders wishing to take advantage of the promotion will have to pay using their Mastercard commencing Feb 2014.

(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)

Cardholders purchasing the Mastercard offer will be affected as the offer is only available if they use their Mastercard to pay.

(b) Number of those persons:

(i) At present time:

0

(ii) Estimated within the next year:

(Refer to direction 6)

200

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

NA

4. Public benefit claims

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

More people, mothers will attend
Kooly Beyond Baby & gain specific, experienced
exercise care in the postnatal period.

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

Proposal provided by Master Card agents

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)

Cardholders may be encouraged to purchase
services from Kooly Beyond Baby rather than
competitors. Purchases using other credit
cards may reduce.

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

(b) Facts and evidence relevant to these detriments:

N/A

7. Further information

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

Jen Dugard
61101 Malabar Road
Maroubra
NSW, 2035.

Dated... 14th January

Signed by/on behalf of the applicant

Jen Dugard
(Signature)

Jenny & Dugard
(Full Name)

Baby Beyond Baby
(Organisation)

Owner/director
(Position in Organisation)