

## 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)*

N97547

**DNR Bourke Pty Ltd T/as Bourke Betta Home Living. ABN: 81 168 157 382**  
("dealer") operates a Telstra Dealership with Telstra authorisation and has been appointed by Telstra to promote the sale of, and extend the demand for, Telstra telecommunication services and related goods & services

- (b) Short description of business carried on by that person:  
*(Refer to direction 3)* Dealer supplies a range of consumer products to retail customers and business. These include Tbox and Thub products, mobiles and cordless phones, data products, wireless broadband, ADSL fixed and internet products

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

**David Randall**  
**Bourke Betta Home Living**  
**37 Oxley Street**  
**Bourke NSW 2840**

### 2. Notified arrangement

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

Dealer will offer a range of telecommunications and related goods or services (including Tbox, Thub products, mobiles and cordless phones, other telecommunication equipment, software, data products, wireless broadband, ADSL fixed internet products (dealer products) and/or promotional goods or services (including vouchers, electrical

accessories and fixed items) (Promotional products) to customers on conditions that they acquire telecommunications services and/or related goods or services from Telstra.

(b) Description of the conduct or proposed conduct:

(i) supply or offer a Dealer product and/or Promotional Product to retail customers on the condition that the customer acquires or agrees to acquire telecommunication service plans from Telstra:

(ii) refuse to supply or refuse to offer to supply a Dealer Products and/or promotional product to retail customers for the reason that the customer has not acquired or has not agreed to acquire telecommunications services or products or particular telecommunications' service plans from Telstra.

(iii) give or allow or offer a discount, allowance, rebate or credit in relation to a Dealer product and/or Promotional Product to retail customers on the condition that the customer acquires or agrees to acquire telecommunication service plans from Telstra

*(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)*

Retail customers (including small and medium enterprise customers)

(b) Number of those persons:

(i) At present time:

between 5 – 10

(ii) Estimated within the next year:

*(Refer to direction 6)*

possibly 50 or more

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

n/a

**4. Public benefit claims**

(a) Arguments in support of notification:

*(Refer to direction 7)*

It will allow retail customers in a regional community an opportunity to acquire or have demonstrated Dealer products and/or promotional

products, which they will otherwise have to travel to a major regional centre to acquire.

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

Currently our store refers customers to Dubbo or Moree for a demonstration of the Tbox and Thub. Both of these centres are in excess of 350km from Bourke

**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)*

Markets for the supply to retail consumers of phone (fixed and mobile), handheld computers and other telecommunication devices

**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)*

There are no foreseeable public detriments likely to result from the proposed conduct.

(b) Facts and evidence relevant to these detriments:

The proposed conduct will not lessen competition because:

The dealership does not have a substantial degree of market power in any relevant market based on regional population. The retail markets for the Dealer products and promotional products are characterised by intense competition and a large market of competitors.

**7. Further information**

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

David Randall

Bourke Betta Home Living

37 Oxley Street

Bourke NSW 2840

**Dated: 1<sup>st</sup> July 2014**

**Signed by/on behalf of the applicant**

  
.....

**(Signature)**

**David Randall**  
**(Full Name)**

**Bourke Betta Home Living**  
**(Organisation)**

**Telstra Dealer**  
**(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.