

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)

N98738 Jaggad Pty Ltd ABN: 21 159 227 246 (**Jaggad**)

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

Jaggad is a supplier of men's, women's and children's exercise clothing and accessories (including Team Jaggad and Non-Team Jaggad products).

Jaggad participates in a loyalty and rewards program offered to customers of AIA Australia Limited (**AIAA**) who hold and/or are insured under an eligible insurance product from AIAA (**AIA Vitality program**).

The AIA Vitality program allows members of the program (**Vitality members**) to receive points for acquiring certain goods and services from participating program Partners (**Vitality Partners**). Vitality members may also receive points for undertaking health-related activities with Vitality Partners and for undertaking health-related activities that are not provided by Vitality Partners (such as going for a run or adhering to a suggested diet plan).

AIA Vitality will enter into agreements with Vitality Partners for their participation in the AIA Vitality program.

Jaggad is a Vitality Partner.

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

c/o Steven Greene
109 Brighton Road
Elwood, Victoria 3184.

2. Notified arrangement

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

Provision of exercise clothing and accessories.

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

The proposed conduct involves Jaggad:

- (i) supplying, or offering to supply, goods and services at a particular price; and/or
- (ii) giving or allowing or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply by Jaggad of goods or services,

on the condition that the Vitality member acquires or has acquired AIA Vitality program services by joining the AIA Vitality program.

(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)

Current or new customers of Jaggad who are, or may become, Vitality members.

- (b) Number of those persons:

- (i) At present time:

None.

- (ii) Estimated within the next year:

(Refer to direction 6)

Estimated to be substantially more than 50 within the year.

- (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 notified conduct is likely to result in:

- benefits to Vitality members of the opportunity to acquire goods from Jaggad on beneficial terms (for example, at a discounted price);

- benefits to Vitality members being the opportunity to acquire goods from Jaggad which will allow them to learn and actively engage with health and wellness aspects of their lifestyle, specifically by encouraging them to improve their fitness with exercise clothing and accessories to support and fulfil their personal fitness goals; and
 - lower prices to Vitality members (and so increasing effective price competition) in the relevant retail market for the supply of exercise clothing and accessories in which Jaggad operates.
- (b) Facts and evidence relied upon in support of these claims:
- Members of the public are entitled to a discount off the ordinary customer price from Jaggad if they are a member of the AIA Vitality program.

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)

Jaggad has not attempted to precisely define the markets involved. However, the potentially relevant markets are:

- markets for the provision of loyalty program benefits to consumers;
- markets for the supply of exercise clothing and accessories to customers in Australia.

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)

No detriment is likely to arise from the conduct.

- (b) Facts and evidence relevant to these detriments:
- Consumers are free to acquire goods supplied by Jaggad without being members of the AIA Vitality program.
 - Vitality members are not obliged to acquire goods supplied by Jaggad, nor are they obliged to make use of the associated benefits and privileges offered by Jaggad if they do not wish to do so.

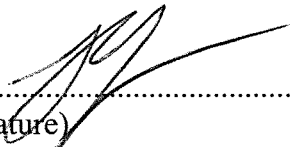
7. Further information

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

c/o Michael Tropea
General Counsel & Company Secretary
AIA Australia Limited
509 St Kilda Road
Melbourne, VIC 3004

Dated.....26/11/2015

Signed by/on behalf of the applicant


.....
(Signature)

STEVEN GREENE

.....
(Full Name)

Jaggad Pty Ltd
(Organisation)

.....CEO.....
(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.