

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)

N100009 Onetouch Technology Pty Ltd ABN 61616545763.
Appointed by Telstra to promote sales of,
and extend the demand for Telstra telecommunications
services and related goods and services.

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

one touch technology supplies a range consumer
and business products to customers. These include
mobile phones, cordless phones, phone systems, software
and hand held computers data products.

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

Peter Neskovski
Onetouch Technology Pty Ltd
1/17 Bishopsgate Street, Wickham 2293.

2. Notified arrangement

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

Onetouch Technology will offer range of telecommunications
and related goods or services (including mobile phones, cordless
phones software data products, phone systems & IT hardware.
Promotional goods & services (including vouchers, cinema tickets electrical
goods & services & accessories) to customers on condition that they
acquire telecommunications services from Telstra.

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

Onetouch Technology proposes to

- (i) Supply or offer to supply a Telstra product and/or promotional product
to retail customers on condition that the Page 1 of 5
customer acquires or agrees to acquire telecommunications
services or products or particular telecom. services plans from
Telstra

- (ii) refuse to supply or refuse to offer to supply Telstra products &/or promotional product to a retail customer for the reason that the customer has not acquired or has not agreed to acquire telecomm. services or products or particular telecomm. services plans from Telstra.
- (iii) give or allow or offer a discount allowance, rebate or credit in relation to a Telstra product &/or promotional product to retail customers on the condition that the cust. acquire or agree to acq. telecomm. serv. or prod. 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)

Business customer (including small and medium enterprise customers)

- (b) Number of those persons:

- (i) At present time:

Substantially greater than 50.

- (ii) Estimated within the next year:
(Refer to direction 6)

Substantially 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 proposed conduct will be better to customers because it will allow customers to acquire

Telstra products and or promotional at a discount or at no cost.

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

Business products include and are not limited to mobile phones, cordless phones, PABX systems, Data system, Line infrastructure, Wireless Equipment and accessories.

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)

There are a number of markets that may be relevant including the markets for the supply to business customers of Phones fixed & mobile, fax machines hand held computers & other similar communication devices. There are several leading retailers of these prod. as well as their competitors.

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 public detriments likely to result from the proposed conduct.

- (b) Facts and evidence relevant to these detriments:

The business market for the products and promotional products are characterised by large numbers of competitors and very intense competition.

7. Further information

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

Peter Neskovski
.....
Onetouch Technology Pty Ltd.
.....
1/17 Bishopsgate Street
.....
WICKHAM NSW 2293
.....

Dated 24-10-2017

Signed by/on behalf of the applicant

Peter Neskovski

(Signature)

P. Neskovski

(Full Name)

Peter Neskovski

(Organisation)

Onetouch Technology P/L

(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.