

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)

N99995 Bevilles Jewellers
Level 2, 111 Coventry Street
South Melbourne VIC 3205

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

- (c) Address in Australia for service of documents on that person:
PO Box 232
Flinders Lane 8009

2. Notified arrangement

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

Set of ½ ct diamond earrings (SKU 9688010) used in a promotion with Certegy-EziPay.

- (b) Description of the conduct or proposed conduct:
Refer to attached promotional image

(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)

VIP Customers of both Bevilles and Certegy-EziPay who spend more than \$1,000 in the promotion period (10 November 2017 – 24 Dec 2017).

- (b) Number of those persons:

- (i) In last 12 months – approximately 900 customers have initiated a finance contract with Certegy EziPay to purchase Bevilles product (valued at \$1,000 or more). This promotion is targeted specifically at the 300 customers who have finalised their financing contract. (Therefore assuming a 10% take up of the offer).

In the period of the promotion last year – approximately 170 customers initiated financing contracts.

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

Based on last year’s customers – approximately 900 customers will initiate finance contracts with Certegy EziPay to purchase Bevilles products.

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

N/A

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4. Public benefit claims

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

Customers benefit from purchasing the promotional product at \$199.99, if they purchase an additional item valued at \$1,000 or more and finance using Certegy-EziPay. The promotion is available to the first 30 customers. The promotional product is not being sold (and has never been sold) in our stores, and has been purchased exclusively for this promotion.

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

(1) The terms and conditions of the promotion:

1/2ct of Diamonds Earrings 9688010 available to purchase for \$199.99 when you spend \$1000 or more in one transaction using Certegy Ezi-Pay. Only 30 available. Offer available now until 24/12/17 or whilst stocks last. Offer not available for use with any other voucher or offer and no further discounts apply. Carat (ct) = Total Diamond Weight.

(2) Limited list of customers receiving the promotion – 300 customers.

(3) Proof of transactional data showing eligible purchases.

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)

A direct mail Marketing Promotion (sample attached) is being sent by Certegy-EziPay to 300 joint VIP customers.

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)

If there are more than 30 sales in that time period, some customers may miss out on the promotion. However, we have made it clear in the promotional material the number of units available, and that the promotion is limited to one per customer.

(b) Facts and evidence relevant to these detriments:

Again, refer to the Terms and Conditions of the promotion.

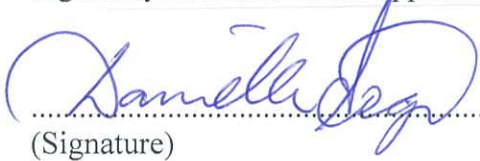
7. **Further information**

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

Danielle Segal
Bevilles Jewellers
Level 2,
111 Coventry Street, South Melbourne 3205
Ph: 03 8397 3970
Mobile: 0409143085

Dated 17 October 2017

Signed by/on behalf of the applicant


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(Signature)

Danielle Segal
(Full Name)

Bevilles Jewellers
(Organisation)

Retail Strategic Planner
(Position in Organisation)