

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)

N99990 BARBEQUES GALORE (AUST) PTY LIMITED T/A BARBEQUES GALORE
ACN: 001 354 454

- (b) Short description of business carried on by that person:
(Refer to direction 3)
BARBEQUES, OUTDOOR FURNITURE & HEATING

- (c) Address in Australia for service of documents on that person:
BARBEQUES GALORE (AUST) PTY LIMITED
BLDG A2, CAMPUS BUS PK, 350-374 PARRAMATTA RD
HOMEBUSH
NSW_2140

2. Notified arrangement

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

BARBEQUES, OUTDOOR FURNITURE & HEATING

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

BARBEQUES GALORE PROPOSES TO OFFER CERTEGY EZI-PAY VIP
CONSUMERS WHO FINANCE THEIR PURCHASE USING CERTEGY EZI-
PAY EXPRESS PAYMENT PLAN TO RECEIVE 'OFFER'
(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)

CONSUMERS WHO ENTER INTO A CERTEGY EZI-PAY EXPRESS REVOLVING CREDIT PAYMENT PLAN FOR THE PURCHASE OF GOODS AND/OR SERVICES.

- (b) Number of those persons:

- (i) At present time:

NIL

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

APPROX. 200,000

- (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)

CONSUMERS STAND TO RECEIVE GIFT CARD WHEN THEY USE A CERTEGY EZI-PAY EXPRESS REVOLVING CREDIT PAYMENT PLAN TO FINANCE THEIR PURCHASE.

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

SPEND \$1,000 AND RECEIVE A GIFT CARD TO THE VALUE OF 10% OF THE TRANSACTION. IF A STORE IS UNABLE TO PROCESS A GIFT CARD TO THE VALUE OF 10% A 10% DISCOUNT WILL BE APPLIED AT THE POINT OF PURCHASE.

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)

THE RELEVANT MARKET IS THE BARBEQUES, OUTDOOR FURNITURE & HEATING RETAIL INDUSTRY 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)

BARBEQUES GALORE (AUST) PTY LIMITED DOES NOT CONSIDER THAT THE PROPOSED CONDUCT WILL RESULT IN ANY LESSENING OF COMPETITION IN THE RELEVANT MARKET NOR RESULT IN ANY CONCEIVABLE PUBLIC DETRIMENT BECAUSE:

- CONSUMERS ARE UNDER NO OBLIGATION OR COMPULSION TO ENTER A CERTEGY EZI-PAY PAYMENT PLAN IN ORDER TO MAKE A PURCHASE;
- CONSUMERS ARE UNDER NO OBLIGATION OR COMPULSION TO PURCHASE THE PRODUCTS THEY WANT ON A CERTEGY EZI-PAY PAYMENT PLAN AND ARE FREE TO FINANCE THE PURCHASE VIA A VARIETY OF MEANS DISTINCT FROM A CERTEGY EZI-PAY PAYMENT PLAN;
- CONSUMERS ARE FREE TO FINANCE PURCHASES BY WAY OF A CERTEGY EZI-PAY PAYMENT PLAN AND ELECT NOT TO TAKE UP THE OFFER.

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

7. Further information

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

BARBEQUES GALORE (AUST) PTY LIMITED

Att: Michelle Forster

BLDG A2, CAMPUS BUS PK, 350-374 PARRAMATTA RD

HOMEBUSH NSW 2140

Ph: 02 97354111

Dated.....19/10.....

Signed by/on behalf of the applicant

.....

(Signature)

Michelle Forster

(Full Name)

BARBEQUES GALORE (AUST) PTY LIMITED

(Organisation)

Marketing - GM

(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.