



Monday, 11 November 2019

Australian Competition & Consumer Commission  
23 Marcus Clarke Street  
Canberra ACT 2601

By email to: [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)

Dear Madam/Sir

I refer to the attached letter dated 28 October 2019 and I note that the Australian Competition and Consumer Commission (**ACCC**) has received a notification from Stanley Black & Decker Australia Pty Ltd proposing to engage in resale price maintenance (**RPM**) for DeWalt Power Tools, attachments and accessories (**the DeWalt products**).

I am a Director of Techtronic Industries Australia Pty Ltd and I am the Managing Director of the Consumer Division of Techtronic Industries Australia Pty Ltd.

In my capacity as Managing Director of the Consumer Division of Techtronic Industries Australia Pty Ltd, I am responsible for the distribution and sale of our consumer products, which consumer products include "DIY" power tools and accessories as well as power tools and accessories targeted at professional/trade users. Our range of products are sold under the following brands:

- Ryobi;
- AEG;
- Hart;
- Kango;
- Powerfit;
- Empire;
- DirtDevil; and
- Vax.

I have read the attached RPM notification lodged by Stanley Black & Decker Australia Pty Ltd.

We are totally opposed to Stanley Black & Decker Australia Pty Ltd being authorised to specify a minimum advertised price (**MAP**) for its DeWalt products. We think the suggestion that the RMP conduct will not apply to in-store activity and that the RPM conduct will not restrict or prevent dealers from selling DeWalt products at a price below the MAP to be fundamentally flawed. The only logical outcome is that in-store staff and dealers will maintain the minimum advertised price as the sale price. In our opinion, the RPM conduct will flow through to the in-instore activity, no matter what is represented by Stanley Black & Decker Australia Pty Ltd.

We do not believe that the submissions from Stanley Black & Decker Australia Pty Ltd have any merit. Our AEG products are premium products that are used by professional/trade users and we also provide a level of pre and post sales services to our customers. This is simply part of the competitive market that we all operate in. In our opinion, the only reason that some dealers may not be prepared to offer high levels of service for DeWalt products is because there are a range of superior products in the marketplace and the dealers are aware that their customers are



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better served by purchasing the superior range of products that are available to them.

The real issue for Stanley Black & Decker Australia Pty Ltd is that they continue to market and charge for the DeWalt products as if they are premium products, when they are, at best, in the middle of the pack with a range of other similar products. There are a number of premium products in the marketplace that have well and truly surpassed the performance and return on investment offered by the DeWalt products.

In our opinion, should the ACCC approve the proposed RMP conduct it will create an unfair playing field for the rest of the competitors in the marketplace.

Furthermore, should the ACCC approve the RPM conduct, in our opinion, all of the competitors in the marketplace will proceed to lodge an application for approval to specify a minimum advertised price for all of their products, in order to create a level playing field.

Yours sincerely,



Greg Borland

Director

Techtronic Industries Australia Pty Ltd