

Form BA

Commonwealth of Australia

Competition and Consumer Act 2010—subsection 88 (6A)

ANTI-COMPETITIVE DISCLOSURE OF PRICING AND OTHER INFORMATION:

APPLICATION FOR AUTHORISATION

In lodging this form, applicants must include all information, including supporting evidence, that they wish the Commission to take into account in assessing their application for authorisation.

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.

To the Australian Competition and Consumer Commission:

Application is hereby made under subsection 88 (6A) of the *Competition and Consumer Act 2010* for an authorisation:

- to make a disclosure of information to which section 44ZZW of that Act would or might apply.
 - to make a disclosure of information to which section 44ZZX of that Act would or might apply.
- (Strike out if not applicable)
- (Refer to direction 1)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

(a) Name of applicant:

(Refer to direction 2)

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(b) Description of business carried on by applicant:

(Refer to direction 3)

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(c) Address in Australia for service of documents on the applicant:

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2. Application lodged on behalf of

Names, addresses and descriptions of business carried on by parties and other persons on whose behalf this application is made:

(Refer to direction 4)

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3. Proposed disclosure

- (a) General description of the proposed disclosure for which authorisation is sought:

(Refer to direction 5)

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(b) Description of the goods or services to which the disclosure relates:

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(c) The term for which authorisation of the disclosure is being sought and grounds supporting this period of authorisation:

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4. Likely or proposed recipient(s) of the disclosure

- (a) Class or classes of recipients:

(Refer to direction 6)

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(b) Number of those recipients:

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(c) Names and addresses of likely or proposed recipient/s:

(Refer to direction 7)

5. Similar disclosures of information

- (a) Is this application for authorisation expressed to be made in relation to other disclosures that will be similar to the abovementioned disclosure?

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- (b) If so, the following information is to be furnished:

- (i) description of any variations between the disclosure for which authorisation is sought and those similar disclosures of information:

(Refer to direction 8)

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- (ii) where the recipient(s) to the similar disclosures is known—names, addresses and descriptions of business carried on by those other parties:

(Refer to direction 9)

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- (iii) where the recipient(s) to the similar disclosures is not known—description of the class of business carried on by those possible parties:

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6. Market definition

Provide a description of the market(s) in which the goods or services described at 3 (b) 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 10)

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7. Public benefit claims

- (a) Arguments in support of application for authorisation:

(Refer to direction 11)

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

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8. Public detriments

- (a) Detriments to the public resulting or likely to result from the disclosure for which authorisation is sought, in particular the result of the disclosure on the prices of the goods or services described at 3 (b) and the prices of goods or services in other affected markets:

(Refer to direction 12)

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

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9. Further information

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

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Dated.....

Signed by/on behalf of the applicant

(Signature).....

(Full Name).....

(Organisation).....

(Position in organisation).....

DIRECTIONS

1. Use Form B if the disclosure might constitute part of a contract, arrangement or understanding which includes a provision which:
 - (a) might be a cartel provision; or
 - (b) is likely to have the purpose, or might have the effect, of substantially lessening competition.
2. Where the application is made by or on behalf of a business, the name of the business is to be inserted in item 1 (a), not the name of the person signing the application and the application is to be signed by a person authorised by the business to do so.
3. Describe that part of the applicant's business relating to the subject matter of the disclosure in respect of which authorisation is sought.
4. Where authorisation is sought on behalf of other parties provide details of each of those parties including names, addresses, descriptions of the business activities engaged in relating to the subject matter of the authorisation, and evidence of the party's consent to authorisation being sought on their behalf.
5. Provide details of the nature of the proposed disclosure in respect of which the authorisation is sought. In providing these details:
 - (a) to the extent that any of the details have been reduced to writing, provide a true copy of the writing; and
 - (b) to the extent that any of the details have not been reduced to writing, provide a full and correct description of the particulars that have not been reduced to writing.
6. Provide a description of the business carried on by the likely or proposed recipients of the proposed disclosure.
7. Where authorisation is sought to make a disclosure of information to which section 44ZZX of the *Competition and Consumer Act 2010* would or might apply, the applicant is only required to disclose this information where there are less than 50 recipients.
8. Where the application is made also in respect of other disclosures, which are or will be in similar terms to the disclosure referred to in item 3, furnish with the application details of the manner in which those disclosures vary in their terms from the disclosure referred to in item 3.
9. Where authorisation is sought to make a disclosure of information to which section 44ZZX of the *Competition and Consumer Act 2010* would or might apply, the applicant is only required to disclose this information where there are less than 50 recipients.
10. Provide details of the market(s) likely to be effected by the disclosure in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the application for authorisation.
11. Provide details of those public benefits claimed to result or to be likely to result from the proposed disclosure including quantification of those benefits where possible.
12. Provide details of the detriments to the public, including those resulting from any lessening of competition, which may result from the proposed disclosure. Provide quantification of those detriments where possible.