

Form GAA

Commonwealth of Australia

Competition and Consumer Act 2010—subsection 93 (1)

NOTIFICATION OF PRIVATE DISCLOSURE OF PRICING INFORMATION

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.

Protection provided by the notification extends only to conduct described in this form.

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 proposed conduct of a kind referred to in section 44ZZW of that Act in which the person giving notice proposes to engage.

To the extent that notified conduct is capable of also being caught by section 44ZZX of the *Competition and Consumer Act 2010*, a valid notice will also provide immunity from section 44ZZX of that Act for the notified conduct.

(Refer to direction 1)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:

(Refer to direction 2)

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- (b) Description of business carried on by that person:

(Refer to direction 3)

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

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2. Notified conduct

- (a) Description of the proposed conduct to which this notification relates:

(Refer to direction 4)

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

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3. Likely or proposed recipient(s) of the conduct

- (a) Class or classes of recipients:
(Refer to direction 5)

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- (b) Names and addresses of likely or proposed recipient(s):

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4. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (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 6)

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5. Public benefit claims

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

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

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6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular, the persons or classes of persons likely to be adversely affected by the notified conduct, the number of those persons, the likely effect of the notified conduct on the prices of the goods or services described at 2 (b) above and the prices of goods or services in other affected markets:

(Refer to direction 8)

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

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7. Further information

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

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Dated.....

Signed by/on behalf of the applicant

(Signature).....

(Full Name).....

(Organisation).....

(Position in organisation).....

DIRECTIONS

1. Use Form B, to seek authorisation, 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. If the notice is given 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 notice, and the notice is to be signed by a person authorised by the business to do so.
3. Describe that part of the business of the person giving the notice relating to the conduct to which this notice relates.
4. If particulars of a private disclosure of the type referred to in section 44ZZW 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. Provide a description of the business carried on by the likely or proposed recipients of the proposed conduct.
6. 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.
7. Provide details of those public benefits claimed to result or likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.