

Form Q

Commonwealth of Australia

Competition and Consumer Act 2010 — subsection 95AS (1)

APPLICATION FOR REVOCATION OF A MERGER CLEARANCE

To the Australian Competition and Consumer Commission:

Application is hereby made under subsection 95AS (1) of the *Competition and Consumer Act 2010* for the revocation of a clearance.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. The Applicant (the Acquirer)

- (a) Name and registered office (where applicable) of the Applicant including the ACN (where applicable) and the place of incorporation (where applicable)

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(See Direction 2 of this Form)

- (b) Description of business or businesses carried on by the Applicant including the products or services the Applicant supplies

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- (c) Address in Australia for service of documents on the Applicant

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2. Revocation of clearance

- (a) Description of the acquisition that is the subject of the clearance for which revocation is sought including but not limited to the registration number assigned to the clearance

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- (b) Provide details of the grounds upon which revocation of the clearance is sought

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3. Undertaking

Consistent with subsection 95AS (2A) of the Act, the Applicant is required, pursuant to the regulations, to give an undertaking to the Commission under section 87B of the Act that the acquisition will not be made while the application for revocation of a clearance is being considered by the Commission. An undertaking which is in a form that must be offered to the Commission is attached to this Form.

4. Further information

Name, postal address, telephone, facsimile and email contact details of the person authorised by the Applicant to provide additional information in relation to this application

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Dated.....

Signed by/on behalf of the Applicant

.....
(Signature)

.....
(Full Name)

Note If the Applicant is a corporation, state position occupied in the corporation by person signing. If signed by a solicitor on behalf of the Applicant, this fact must be stated.

Competition and Consumer Act 2010

**Undertaking to the Australian Competition and Consumer
Commission given for the purposes of section 87B**

by

[Insert name of company] (ACN [Insert ACN])

1. This undertaking (the Undertaking) is given to the Australian Competition and Consumer Commission (the Commission) by [company name, company ACN] of [company address] under section 87B of the *Competition and Consumer Act 2010* (the *Act*).
2. [Company name] has made an application for revocation of a clearance pursuant to section 95AS of the Act.
3. [Company name] hereby undertakes that it will not make the acquisition the subject of the application referred to in paragraph 2 while the application is being considered by the Commission.
4. This Undertaking comes into effect when:
 - (a) the Undertaking is executed by [company name]; and
 - (b) the Commission accepts the Undertaking so executed.
5. [Company name] acknowledges that the Commission will make this Undertaking available for public inspection.

EXECUTED BY [Company name and ACN] pursuant to section 127 (1) of the *Corporations Act 2001*.

.....
Signature of Authorised Person

.....
Signature of Authorised Person

.....
Office Held

.....
Office Held

.....
(Print) Name of Authorised Person

.....
(Print) Name of Authorised Person

This [insert day] day of [insert month] [insert year].

**ACCEPTED BY THE COMMISSION PURSUANT TO SECTION 87B OF THE
ACT**

.....
Commission Chairperson

DIRECTIONS

1. 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. Where the application is made 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 application and the application is to be signed by a person authorised by the corporation to do so. The Applicant for revocation of the clearance must be the same person as the person to whom the original clearance was granted.