

Form DA

Commonwealth of Australia

Competition and Consumer Act 2010 — subsection 88 (7A)

BOYCOTT AGREEMENTS: APPLICATION FOR AUTHORISATION

To the Australian Competition and Consumer Commission:

Application is hereby made under subsection 88 (7A) of the *Competition and Consumer Act 2010* for an authorisation under that subsection for a person (the *first person*):

- to make a contract or arrangement, or arrive at an understanding, with an organisation of employees or an officer of such an organisation, being a contract, arrangement, or understanding that contains a provision that is, or may be, included for the purpose of preventing or hindering the first person supplying goods or services to, or acquiring goods or services from, another person.
- to give effect to a provision of a contract, arrangement or understanding with an organisation of employees or an officer of such an organisation that has, or may have, been included for the purpose of preventing or hindering the first person supplying goods or services to, or acquiring goods or services from, another person.

(Strike out whichever is not applicable)

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, activity or occupation 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. Conduct

- (a) Description of the contract, arrangement or understanding for which authorisation is sought:
(Refer to direction 4)

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- (b) Description of those provisions of the contract, arrangement or understanding that have, or may have, the purpose of preventing or hindering the first person supplying goods or services to, or acquiring goods or services from, another person:
(Refer to direction 4)

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- (c) Description of the goods or services to which the conduct (whether proposed or actual) relate:

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- (d) The term for which authorisation of the provision of the conduct is being sought and grounds supporting this period of authorisation:

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3. Parties

- (a) Name and address of person to or from whom supply or acquisition of goods or services, is to be, or may be, hindered or prevented by the contract, arrangement or understanding:

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- (b) Names, addresses and descriptions of business carried on by parties and other persons on whose behalf this application is made:
(Refer to direction 5)

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4. Public benefit claims

- (a) Arguments in support of application for authorisation:
(Refer to direction 6)

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

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5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (c) 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 7)

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6. Public detriments

- (a) Detriments to the public resulting or likely to result from the conduct for which authorisation is sought, in particular the likely effect of the conduct on the prices of the goods or services described at 2 (c) 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. Joint Ventures

- (a) Does this application deal with a matter relating to a joint venture (See section 4J of the *Competition and Consumer Act 2010*)?

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- (b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?

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- (c) If so, by whom or on whose behalf are those other applications being made?

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8. 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

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(Signature)

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(Full Name)

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(Organisation)

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(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 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.

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.
3. Describe that part of the applicant's business relating to the conduct in respect of which authorisation is sought.
4. Provide details of the contract, arrangement or understanding between the first person and the organisation of employees or the officer of such an organisation. Provide details of the provision that is, or may, prevent or hinder the first person supplying goods or services to, or acquiring goods or services from, another person.

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.
5. 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.
 6. 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.
 7. Provide details of the market(s) likely to be effected by the 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 application for authorisation.
 8. Provide details of the detriments to the public, including those resulting from any lessening of competition, which may result from the proposed conduct. Provide quantification of those detriments where possible.