

Form E

Commonwealth of Australia

Competition and Consumer Act 2010 — subsection 88 (8)

EXCLUSIVE DEALING: APPLICATION FOR AUTHORISATION

To the Australian Competition and Consumer Commission:

Application is hereby made under subsection 88 (8) of the *Competition and Consumer Act 2010* for an authorisation under that subsection to engage in conduct that constitutes or may constitute the practice of exclusive dealing.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of applicant:
(Refer to direction 2)

.....
.....
.....
.....

- (b) Short description of business carried on by applicant:
(Refer to direction 3)

.....
.....
.....

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

.....
.....
.....
.....

2. Contract, arrangement or understanding

- (a) Description of the conduct that would or may constitute the practice of exclusive dealing:
(Refer to direction 4)

.....
.....
.....
.....

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

.....

.....

.....

.....

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

.....

.....

.....

.....

3. Parties to the proposed arrangement

- (a) Class or classes of persons to which the conduct relates:
(Refer to direction 5)

.....

.....

.....

.....

.....

- (b) Number of those persons:

- (i) At present time:

.....

- (ii) Estimated within the next year:
(Refer to direction 6)

.....

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

.....

.....

.....

.....

.....

4. Public benefit claims

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

.....

.....

.....

.....

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

.....

.....

.....

.....

5. 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 7)

.....

.....

.....

.....

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the authorisation, in particular the likely effect of the 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)

.....

.....

.....

.....

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

.....
.....
.....
.....

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*)?

.....

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

.....

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

.....

.....

8. Further Information

- (a) Name and address of person authorised by the applicant to provide additional information in relation to this application:

.....

.....

Dated.....

Signed by/on behalf of the applicant

.....

(Signature)

.....

(Full Name)

.....

(Organisation)

.....

(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 in the course of which the conduct is engaged in.
4. Provide details of the conduct (whether proposed or actual) which may constitute the practice of exclusive dealing in respect of which this 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.
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 authorisation.
 8. Provide details of the detriments to the public which may result from the conduct including quantification of those detriments where possible.