



Application for a minor variation of an authorisation

Guidance in completing your application to the ACCC

To lodge an application for a minor variation of an authorisation for conduct (other than mergers or acquisitions¹) (the **application**) you should include the information, data and documents outlined in this form. Where possible, each question should be answered fully and be substantiated with evidence. If a question is not relevant or where information is not available and cannot be reasonably estimated, please provide a brief explanation.

The ACCC must not grant the variation sought unless it is satisfied that the statutory test is met.

It is an offence to knowingly provide false or misleading information to the ACCC. Refer to section 137.1 of the *Criminal Code* (Cth).

Key points for lodging your application

- We encourage you to consult the ACCC's [Guidelines for Authorisation of Conduct \(non-merger\)](#) and contact the ACCC at exemptions@acc.gov.au before you lodge your application for a pre-lodgement discussion to clarify what information and evidence may be needed to assess your application.
- Failure to provide sufficient information may render the application invalid or otherwise impact the ACCC's ability to assess your application.
- You should provide all relevant information and evidence you intend to rely on.
- Less weight will likely be given to a statement or submission that is not supported with corroborating evidence.
- A valid application **must** contain:
 - a public version of your application for publication on the public register. You should provide a clearly marked confidential version if you wish to claim confidentiality for parts of your application. All confidentiality claims must be substantiated. The public version must contain sufficient information to enable public consultation on your application and o a signed declaration by the applicant.

¹ See: [Application for authorisation of a proposed merger or acquisition](#).

Information

Applicants

1. Provide details of the applicants for a variation of authorisation, including:
 - 1.1 name, address (registered office), telephone number, and ACN
 - 1.2 contact person's name, position, telephone number, and email address
 - 1.3 a description of business activities
 - 1.4 email address for service of documents in Australia.

Authorisation to be varied

2. Provide details of the authorisation to be varied including:
 - 2.1 registration number and date of the authorisation which is to be varied
 - 2.2 other persons and/or classes of persons who are a party to the authorisation which is to be varied.

Proposed variation

3. Provide details of the proposed variation, including:
 - 3.1 a description of the proposed variation
 - 3.2 the reasons for the proposed variation
 - 3.3 reasons why the proposed variation is minor.

Competition effects or net public benefit

4. The ACCC will assess whether to grant a minor variation to an authorisation depending upon the basis on which the ACCC originally decided to grant the authorisation. As applicable, describe the effect of the proposed variation on:
 - 4.1 competition in the relevant markets or
 - 4.2 the extent to which the benefit to the public outweighs any detriment to the public.
 - 4.3 Provide information, data, documents or other evidence relevant to the ACCC's assessment of the competition effects or net public benefit.

Contact details of relevant market participants

5. Identify and/or provide names and, where possible, contact details (phone number and email address) for likely interested parties such as actual or potential competitors, customers and suppliers, trade or industry associations and regulators.

Additional information

6. Provide any other information or documents you consider relevant to the ACCC's assessment of the application.

Declaration by Applicant(s)

Authorised persons of the applicant(s) must complete the following declaration. Where there are multiple applicants, a separate declaration should be completed by each applicant.

The undersigned declare that, to the best of their knowledge and belief, the information given in response to questions in this form is true, correct and complete, that complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The undersigned undertake(s) to advise the ACCC immediately of any material change in circumstances relating to the application.

The undersigned are aware that giving false or misleading information is a serious offence and are aware of the provisions of sections 137.1 and 149.1 of the *Criminal Code* (Cth).

Signature of authorised person

Office held

(Print) Name of authorised person

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

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