

AUST. COMPETITION &
CONSUMER COMMISSION
SYDNEY

- 2 OCT 2009



2 October 2009

FILE No:	
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MARS/PRISM:	

Mr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
Level 7
Angel Place
123 Pitt Street
Sydney NSW 2000

Dear Mr Chadwick

Third line forcing notification

Please find enclosed for lodgement a notification relating to third line forcing and a cheque of \$100 being the required lodgement fee.

Please do not hesitate to contact me should you have any questions in relation to this notification.

Yours sincerely

A handwritten signature in black ink, appearing to be 'EH', written over a horizontal line.

Elizabeth Henderson
Senior Corporate Lawyer
T +61 2 9667 6458
elizabeth.henderson@syd.com.au

**Sydney Airport
Corporation Limited**
ABN 62 082 578 809

Locked Bag 5000
Sydney International
Airport NSW 2020
The Ulm Building
1 Link Road
Sydney International
Airport NSW 2020
Australia

Telephone
61 2 9667 9111
www.sydneyairport.com

Form G

Commonwealth of Australia

Trade Practices Act 1974 — subsection 93 (1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

1. Applicant

- (a) Name of person giving notice:

N94241 *Sydney Airport Corporation Limited ABN 62 082 578 809 ("Sydney Airport")*

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

Sydney Airport supplies aviation infrastructure services and facilities to domestic and international passenger and cargo airlines. There are three passenger terminals located onsite:

T1: International Terminal – operated by Sydney Airport

T2: Common User Domestic Terminal – operated by Sydney Airport

T3: Qantas Domestic Terminal - operated by Qantas

There are seven cargo terminals located onsite that are controlled by various operators.

Sydney Airport also supplies retail tenancy space and associated services, and provides the infrastructure necessary for various government, enforcement and private agencies who provide aviation related services.

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

Legal and Company Secretariat

The Ulm Building

1 Link Road

Sydney International Airport

NSW 2020 Australia

2. Notified arrangement

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

The notification relates to the supply of retail tenancy space and associated services at Sydney Airport Terminals 1 and 2.

(b) Description of the conduct or proposed conduct:

Sydney Airport Corporation Limited proposes to offer to supply Travelex Limited ABN 36 004 179 953 ("Travelex") retail tenancy space and associated services at Sydney Airport Terminals 1 and 2 on the condition that Travelex acquire AUD\$120,000 of promotion and advertising services from:

- *APN Outdoor Pty Limited ABN 99 008 637 661 ("APN") at Terminal 1 and advertising sites outside of the terminals; and*
- *Eye Fly Sydney Pty Limited ABN 55 094 425 395 ("Eye Fly") at Terminal 2,*

on an annual basis.

Sydney Airport understands that a significant proportion of advertising services that Travelex would acquire will be for the purposes of advertising and promotion at Terminal 1. Accordingly, a significant proportion (possibly all) of the AUD\$120,000 per annum of promotion and advertising services would be acquired by Travelex from APN.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

(a) Class or classes of persons to which the conduct relates:

The conduct affects Travelex.

(b) Number of those persons:

(i) At present time:

1

(ii) Estimated within the next year:

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

Travelex Limited

Level 12

1 Margaret Street

SYDNEY NSW 2000

Fax: 02 8585 7300

Attention: Mr Mark Mulligan, Director of Retail

4. Public benefit claims

(a) Arguments in support of notification:

Sydney Airport is a passenger focussed airport that endeavours to ensure passengers and visitors have the best experience possible when onsite. A significant number of passengers who pass through Sydney Airport are international travellers who require foreign exchange services. Therefore, Sydney Airport is concerned to ensure that passengers are readily able to avail themselves of important travel services, such as foreign exchange facilities. Sydney Airport considers that advertising is a key way of achieving this aim.

Sydney Airport and Travelex have discussed how Travelex may best promote and offer foreign exchange services to customers. The parties have agreed that on-airport promotion and advertising is an excellent way to achieve this aim and that the minimum amount of AUD\$120,000 is appropriate.

Sydney Airport's understanding is that AUD\$120,000 of promotion and advertising services is an appropriate minimum amount to ensure that passengers are properly informed in relation to foreign exchange facilities and that historically foreign exchange bureaux' spend for on-airport advertising and promotion may be higher.

Travelex may be able to avail itself of APN and Eye Fly's good relationship with Sydney Airport and pass on any efficiencies and savings to consumers. APN's seasoned experience in advertising to international passengers at Terminal 1 will, in turn, benefit consumers through clear, informative and relevant advertising. These factors will enhance Travelex' competitive offering thereby encouraging competition between foreign exchange bureaux.

Sydney Airport will not refuse to continue providing retail space and associated services for the reason that Travelex has not acquired AUD\$120,000 of promotion and advertising services per annum within the Airport site.

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

See above

5. Market definition

The relevant market includes the supply of retail tenancy space and associated services.

6. Public detriments

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

No public detriments have been identified.

Given the benefits outlined above, and the lack of any discernible detriment, the benefits of the proposed conduct far outweigh any potential detriment.

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

See above

7. Further information

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

*Elizabeth Henderson
The Ulm Building
1 Link Road
Sydney International Airport
NSW 2020 Australia*

Dated.....*2 October 2009*.....

Signed by/on behalf of the applicant

.....
(Signature)

.....
(Full Name)

.....
(Organisation)

.....
(Position in Organisation)

