

## Form G

Commonwealth of Australia  
*Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

### 1. Applicant

- (a) Name of person giving notice:  
(Refer to direction 2)

N96260 Sydney Airport Corporation Limited (*Sydney Airport*) (ACN 62 082 578 809).

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

Sydney Airport is the airport operator company of Sydney (Kingsford-Smith) Airport (*Airport*).

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

Sydney Airport:

Elizabeth Henderson

Sydney Airport Corporation Limited

Locked Bag 5000

Sydney International Airport NSW 2020

### 2. Notified arrangement

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

The sale of overnight bags at the Airport.

- (b) Description of the conduct or proposed conduct:

This notice relates to the proposed sale by Sydney Airport of overnight bags at the Airport. A person will be entitled to purchase one overnight bag for \$10 provided that they have purchased another product at the Airport (whether from Sydney Airport or a retailer located at the Airport). From each bag sold, \$5 will be donated to the Starlight Children's Foundation.

The offer will only be available on the day of purchase of the second-mentioned goods. The promotion will run:

- in the international terminal (T1) for a two and a half week period from 1 December 2012 to 25 December 2012; and
- in the common user domestic terminal (T2) for a six day period from 20 December 2012 to 25 December 2012.

Sydney Airport will promote the offer inside T1 and T2, in Sydney Airport's magazine (to be circulated on 1 December), on its website [www.sydneyairport.com.au](http://www.sydneyairport.com.au) and through social media. The offer is limited to 20,000 bags.

**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:  
(Refer to direction 5)

Actual or potential members of the public who use T1 and T2, airport and airline staff, and staff of retailers and other organisations or agencies operating at the Airport.

- (b) Number of those persons:

- (i) At present time:

It is difficult for Sydney Airport to accurately estimate the number of persons that will pass through the Airport during the course of the promotion. Sydney Airport will have 20,000 bags available for sale. In December 2011, Sydney Airport had approximately 3,100,000 passengers travel through T1, T2 and T3. Although this number overstates the number of passengers who travelled through T1 and T2, it does not include persons who attended the Airport other than as a passenger.

Sydney Airport estimates that at least 1,500,000 persons will be exposed to the offer during the course of the promotion.

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

Not relevant. See answer to question 3(b)(i), above.

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

Not applicable.

#### 4. Public benefit claims

- (a) Arguments in support of notification:  
(Refer to direction 7)

The proposed conduct will result in significant benefits to the public including:

- raising up to \$100,000 for the Starlight Children's Foundation, a non-profit organisation dedicated to improving quality of life for children with chronic and life-threatening medical conditions;
- providing consumers who purchase goods or services at the Airport with the opportunity to purchase overnight bags at an affordable price, if they wish to do so; and
- convenience for consumers shopping at the Airport.

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

Sydney Airport has purchased the overnight bags for \$7 each, and, with \$5 from each purchase going to the Starlight Foundation, will be making a \$2 loss on each bag sold. The conduct is for a limited period only, and will raise funds for charity.

Users of the Airport will benefit from the proposed arrangement as they will obtain convenient goods at a low price, without any obligation to purchase particular goods or commit to any minimum spend.

Sydney Airport submits that, given there is no anti-competitive detriment arising from the proposed conduct, it is not necessary to demonstrate more than minimal public benefits.

#### 5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) 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 8)

The relevant market is no narrower than the market for the provision of overnight bags.

**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:

*(Refer to direction 9)*

The proposed conduct will not result in any detriment to the public in either of the relevant markets. The proposed conduct will not have a detrimental effect on competition because:

- the proposed conduct is short term (two and a half weeks), with a limited quantity of goods available (20,000 bags), and will raise funds for the Starlight Children's Foundation;
- Airport users are able to acquire overnight bags from other retailers at the Airport without making any other purchase;
- Airport users are not compelled to make any purchases at the Airport. In addition, Airport users who choose to make purchases at the Airport are not compelled to purchase an overnight bag, and are able to make those purchases at the same price as those who go on to purchase an overnight bag; and
- retailers at Sydney Airport (and elsewhere) are free to develop competing offers.

- (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:

Kon Stellios

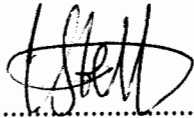
Partner, Allens

GPO Box 50, Sydney NSW 2001

Telephone: 02 9230 4897

Dated 16 November 2012

Signed by/on behalf of the applicant(s)



.....  
(Signature)

Kon Stellios  
(Full Name)

Allens  
(Organisation)

Partner  
(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 notification.

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. If the notice is given 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 notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. 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.
8. Provide details of the market(s) likely to be affected by the notified 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 notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.