

## 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)

N97074

MERMAID SWIM ACADEMY

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

SWIMMING LESSONS FOR CHILDREN (6 mths - 18 yrs)  
SWIMMING LESSONS FOR ADULTS  
SURF SWIM / AWARENESS FOR ADULTS  
SURF SWIMMING AWARENESS & SLSA TRAINING  
FOR CHILDREN (7 yrs - 15 yrs)

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

2/11

### 2. Notified arrangement

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

MERMAID SWIM ACADEMY IS ENTERING INTO AN  
AGREEMENT WITH MASTERCARD TO OFFER CARDHOLDERS  
PROMOTIONS AS FOLLOWS THROUGH THEIR LOCALLY  
FAMOUS PROGRAM: 1. PERMANENT OFFER -

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

CARDHOLDERS WISHING TO TAKE ADVANTAGE OF  
THE PROMOTIONS WILL HAVE TO PAY USING  
THEIR MASTERCARD COMMENCING

(Refer to direction 4)

**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)

CARDHOLDERS PURCHASING THE MASTERCARD  
OFFER WILL BE AFFECTED AS THE  
OFFER IS ONLY AVAILABLE IF THEY  
USE THEIR MASTERCARD TO PAY

- (b) Number of those persons:

- (i) At present time:

0

- (ii) Estimated within the next year:

(Refer to direction 6)

500

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

N/A

**4. Public benefit claims**

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

.....MORE PEOPLE WILL ATTEND MERMAID  
.....SWIM ACADEMY LESSONS AND COURSES.....  
.....  
.....

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

.....PROPOSAL PROVIDED BY MASTERCARD AGENTS.....  
.....  
.....  
.....

**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)

.....MC cardholders may be encouraged to purchase  
.....lessons & courses from MERMAID SWIM ACADEMY  
.....rather than from competitors. Purchases  
.....using alternative payment methods may reduce.  
.....eg use of Paypal, other credit cards, bank transfers  
.....or cash payments.....

**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)

.....none.....  
.....  
.....  
.....

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

.....N/A.....  
.....  
.....  
.....



7. **Further information**

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

JOANNA KYRIAZAKOS

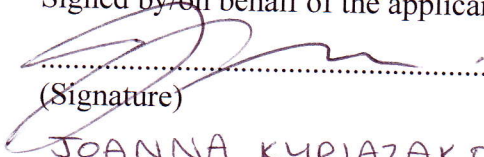
311 SALISBURY STREET

WATSONS BAY, SYDNEY, NSW, 2030

0437 374 715

Dated 31/10/2013

Signed by/on behalf of the applicant

  
(Signature)

JOANNA KYRIAZAKOS

(Full Name)

MERMAID SWIM ACADEMY

(Organisation)

OWNER/DIRECTOR

(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.