

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)

Australian National Memorial Theatre Ltd

ABN 7800 7306 283

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

Operation of a Ballet School as part of a Registered Training Organisation (RTO 3600) Classes offered include full-time Advanced Diploma, children's classes & recreational/hobby courses in jazz, tap, classical dance and contemporary

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

National Theatre PO Box 1173 St Kilda Sth 3182 (20 Carlisle St St Kilda Sth 3182).

2. Notified arrangement

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

Ballet Uniforms (jackets, shirts, leotards, tights, unitard)

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

The Ballet School uniform is compulsory. Some items (style & colour) are exclusive to a particular supplier and are purchased for on-sale to the School clients (students & parents) through a sales point operated by one of our staff independently of the School.

(Refer to direction 4)

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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)

Students or their parents who purchase the compulsory uniform.

- (b) Number of those persons:

Current Ballet School numbers are 398

- (i) At present time:

Current Ballet School numbers are 398

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

Numbers are constant in the School in the range 350 - 400

- (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)

A Ballet uniform, particularly in training or educational situations, must conform to particular styles & colour to allow the teacher or choreographer to observe the body, body positioning and form. Ballet is also an extremely physical activity putting great strains on the body and specific parts of the physique – proper clothing becomes an OHS issue. Given that a great deal of classical ballet is work within an ensemble uniformity is essential.

As the uniforms are such a basic requirement, limiting the number of suppliers enables us to offer quality items at much reduced prices which is essential in a very expensive occupation.

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

Other stockists have been given our uniform lists of what we would like them to sell. We ask that they do not sell leotards as style & colour vary. All suppliers have been advised to stock character skirts, shoes (tap, character, demi-pointe etc). Reports back from our parents & students is that we are cheaper across the board (as much as 1/3). This includes a situation where one supplier (capezio) is offering a 25% discount for our full-time students.

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)

Only some colours & styles (ie black/grey unitard with collar) are "exclusive" – as our Ballet Director has chosen a specific style which is available from only one source. In reality, with the exception of very young children or first timers, most parents shop around and our Ballet Director does not strictly enforce the uniform code. For example, as long as an outfit is the right colour she overlooks the fact that styles vary from shop to shop.

Shops selling uniforms for Ballet include Studio 7, Capezio, Bloch, and Sansha.

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)

I am not aware of any detriment that will occur. The students & parents will continue to purchase the compulsory uniform from the cheapest source except for those few items which are unavailable as exclusive to one supplier.

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

Exclusive uniform items are available through Studio 7 Dancewear . The current rules have operated for several years and there have been zero complaints. Indeed the concept of a "one stop" shop has been praised particularly by first time Ballet parents who need assistance & support.

7. Further information

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

Robert Taylor, National Theatre, PO Box 1173, St Kilda Sth 3182. Ph 0395340221

Dated March 14th 2014

Signed by/on behalf of the applicant

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(Signature)

ROBERT TAYLOR BDA *NIDA*

(Full Name)

Australian National Memorial Theatre Ltd

(Organisation)

Managing Director

(Position in Organisation)