

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:

N97343 Sydney Airport Corporation Limited (*Sydney Airport*) (ACN 62 082 578 809)

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

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 giveaway of T2 Loose Leaf Tea as a gesture of goodwill to users of the Sydney Airport common user domestic terminal at the Airport (*Terminal 2*).

(b) Description of the conduct or proposed conduct:

This notice relates to the proposed giveaway at Terminal 2 by Sydney Airport of T2 Loose Leaf Tea as a gesture of goodwill to users of Terminal 2. During the promotional period the flavours and size of the boxes will change. The flavours and their corresponding box size are as follows:

- English Breakfast (100grams)

- Green Rose (100grams)
- Relax (50grams)
- Liquorice Legs (100grams)

Members of the public will be eligible to receive one box of T2 Loose Leaf Tea provided that they have purchased another product at Terminal 2 to the value of:

- \$75 on specialty retail and foreign exchange; or
- \$25 on food, beverage or newsagency items.

The offer will only be available on the day of purchase. A booth will be open at Terminal 2 between 6:30am – 7:00pm at T2 for redemption of the T2 Loose Leaf Tea. The promotion will run between 14 April 2014 – 11 May 2014. The offer is limited to 15,000 boxes of T2 Loose Leaf Tea but distribution will be capped at 3750 boxes per week to enable distribution over the four (4) week period.

Sydney Airport will promote the offer inside Terminal 2, on its website www.sydneyairport.com.au and through social media. The offer is not available to staff.

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:

Actual or potential members of the public who use Terminal 2.

- (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 Terminal 2 during the course of the promotion. Sydney Airport will have 15,000 boxes of T2 Loose Leaf Tea available. In April 2013, approximately 3,095, 000 passengers travel through the Airport. Although this number overstates the number of passengers who travelled through Terminal 2, it does not include persons who attended the Airport other than as a passenger.

- (ii) Estimated within the next year:

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:

The proposed conduct is a gesture of goodwill and will provide consumers who purchase goods or services at Terminal 2 as per paragraph 2(b) above with the opportunity to acquire a 100 gram box of T2 Loose Leaf Tea without further charge.

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

Boxes of T2 Loose Leaf Tea were purchased, and are funded, by Sydney Airport. Users of Terminal 2 are not obliged to avail themselves of the offer. If they do so, they will obtain convenient goods without further charge.

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):

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

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:

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

- the proposed conduct is a gesture of goodwill;
- the public is able to purchase tea, including T2 Loose Leaf Tea, elsewhere without making any other purchase;
- the public is not compelled to make any purchases at the Airport. In addition, members of the public who choose to make purchases at the Airport are not compelled to acquire a box of T2 Loose Leaf Tea from Sydney Airport, and are able to make those purchases at the same price as those who go on to acquire the T2 Loose Leaf Tea; and

- retailers at Sydney Airport (and elsewhere) are free to develop competing offers.

(b) Facts and evidence relevant to these detriments:

See above.

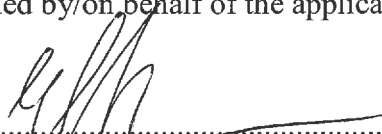
7. Further information

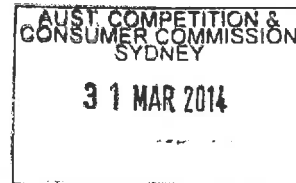
(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Elizabeth Henderson
Sydney Airport Corporation Limited
Locked Bag 5000
Sydney International Airport NSW 2020
(02) 9667 6458

Dated..... 31 March 2014

Signed by/on behalf of the applicant


.....
(Signature)



Elizabeth Jane Henderson
(Full Name)

Sydney Airport Corporation Limited
(Organisation)

Senior Corporate Lawyer
(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.