

# 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)

N99305 Virgin Australia Regional Airlines Pty Ltd (ACN 008 997 662) (**VARA**);

N99306 Virgin Australia Airlines Pty Ltd (ACN 090 670 965) (**Virgin Australia**); and

N99307 Alliance Aviation Services Limited (ACN 153 361 525) (**Alliance Airlines**).

This application is to be read and determined together with the application in Forms A and B (together the **Application**) and the submission supporting the Application (**Submission**), which are lodged with this form.

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

The provision of airline services and associated products and services, as referred to in the Submission.

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

Gilbert + Tobin  
Level 22, 101 Collins Street  
Melbourne VIC 3000

Attention: Luke Woodward and  
Tel: 02 9263 4014  
Fax: 02 9263 4111  
[lwoodward@gtlaw.com.au](mailto:lwoodward@gtlaw.com.au)

Morelle Bull  
Tel: 03 8656 3330  
Fax: 03 8656 3400  
[mbull@gtlaw.com.au](mailto:mbull@gtlaw.com.au)

## 2. Notified arrangement

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

Commercial passenger airline services, including regular passenger transport (**RPT**) and charter services.

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

VARA/Virgin Australia and/or Alliance Airlines may offer a discount and may offer frequent flyer and lounge benefits to corporate customers on the condition that those customers acquire a bundled offer which includes charter services and/or RPT services from the other operator.

See the Submission for further details.

**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)

Customers and potential customers of VARA, Virgin Australia and Alliance Airlines who wish to acquire an integrated package of air transport products and services, including charter air services, domestic RPT services and frequent flyer and lounge benefits.

- (b) Number of those persons:

- (i) At present time:

Unable to quantify, greater than 50.

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

Same as (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)*

See the Submission, in particular section 7.

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

See the Submission, in particular section 7.

**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)*

See the Submission, in particular section 6.

**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)*

See the Submission, in particular section 8.

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

See the Submission, in particular section 8.

**7. Further information**

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

Gilbert + Tobin  
Level 22, 101 Collins Street  
Melbourne VIC 3000

Attention: Luke Woodward and  
Tel: 02 9263 4014  
Fax: 02 9263 4111  
[lwoodward@gtlaw.com.au](mailto:lwoodward@gtlaw.com.au)

Morelle Bull  
Tel: 03 8656 3330  
Fax: 03 8656 3400  
[mbull@gtlaw.com.au](mailto:mbull@gtlaw.com.au)

31 August 2016

Dated.....

Signed by/on behalf of the applicant



.....  
(Signature)

Luke Woodward  
Gilbert + Tobin  
Partner

## **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.