

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:
N99320 Country Rugby League of New South Wales Incorporated ABN 55 953 246 709 (CRL).

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

Administration of rugby league matches and competitions in New South Wales country areas.

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

.6 Herb Elliott Avenue, Sydney Olympic Park NSW 2127

2. Notified arrangement

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

Supply of country rugby league sporting goods, merchandise and apparel as outlined in *attached* Licence Agreement.

(b) Description of the conduct or proposed conduct:

CRL offers the right to participate in rugby league matches and competitions conducted by it on the condition that clubs/players wear playing jersey, shorts and socks displaying the CRL logo. Player's jersey's shorts and socks displaying the CRL logo will be available from five (5) suppliers licensed by the CRL.



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:

- Suppliers of sports apparel
- Purchasers of playing apparel worn during participation in CRL competition.

(b) Number of those persons:

(i) Suppliers

The number of suppliers likely to be affected is 11 being the number of suppliers that tendered for 2016 – 2018 to be licensees but will not be selected for licenses.

Clubs and Participants

There are 500 clubs in competitions organised by CRL and 56,000 participants.

(ii) Estimated within the next year:

As 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 CRL conducted a competitive tender which was publicly advertised nationally. Sixteen (16) submissions were received and considered.

The criteria included;

- Experience in the sector.
- Order processes including customer service and after sales service.
- Capacity and capability to meet delivery time frames.
- Price competitiveness and transparency

Five (5) respondents have been selected (as opposed to four (4) in previous years) to receive licenses for the years 2017, 2018 and 2019 but have not been notified as yet. Prior to the end of the 2019 season the CRL will call for further tenders for the ensuing three (3) years.



It is difficult for county and regional clubs to search for suppliers as almost all of their administrators are volunteers and the process involves time and costs on their part.

The CRL, in conducting this process, creates efficiencies by realising economics of scale by suppliers and is able to negotiate lower prices for sporting goods and apparel than individual clubs or players are able.

The revenue generated by the CRL in the process is used for the promotions and benefit of the game in country areas and in particular junior development and participation of women in the game. CRL is a not for profit organisation and provides support to its clubs and participants by providing resources to assist in the governance of clubs and the sport, assisting Clubs to obtain sponsorships, and administering the conduct of competitions. There are no affiliation fees payable to the CRL by Clubs competing in its competitions and participants are not required to pay any registration fee as is the case with other sports.

The Licencing Program is transparent and all members of the CRL are provided with reports bi-annually.

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

As (a) above

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):

1. The market that will be affected by the notified conduct is the market for sporting apparel.
2. There is no geographic or legal limitation for the preselection under the Program. All of the CRL competitions are conducted in country and regional NSW.



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:

1. Limit of licenses to five (5) suppliers.
2. Imposition of license fees and royalties.
3. Competitions between licencess indicates these fees will not be passed on to Clubs. Licenses are selected following an exhaustive and objective selection process.

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

Any potential lessening of competition is mitigated by the fact that licenses are only granted for three (3) years following which a further tender process will take place.

7. Further information

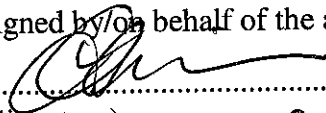
- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Mr Terry Quinn
Chief Executive Officer
Country Rugby League
6 Herb Elliott Avenue,
Sydney Olympic Park NSW 2127

PO Box 411
Sydney Markets NSW 2129
T: 0421 056 880
tquinn@crlnsw.com.au

Dated.....

Signed by/on behalf of the applicant


.....
(Signature)

TERENCE NOEL QUINN
.....
(Full Name)

COUNTRY RUGBY LEAGUE OF N.S.W
.....
(Organisation)

CHIEF EXECUTIVE OFFICER
.....
(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.