

**COLLECTIVE BARGAINING NOTIFICATION**  
**Redcliffe Aerodrome Chamber of Commerce Inc.**

**Section 1 – Information**

**Notifying party**

**1 Provide details of the notifying party, including:**

**1.1 name, address (registered office), telephone number, and ACN**

Redcliffe Aerodrome Chamber of Commerce Inc. (“**RACCI**”)  
Nathan Road, Redcliffe 4020  
Telephone: Nil  
ACN: Nil

**1.2 contact person’s name, telephone number, and email address**

c/o Claire Forster | Partner  
Norton Rose Fulbright Australia  
Level 5, 60 Martin Place, Sydney, Australia  
Tel [REDACTED] | Mob [REDACTED] | Fax [REDACTED]  
[REDACTED]

**1.3 a description of business activities**

RACCI is a registered association and is a representative group of the tenants at the Redcliffe Aerodrome (the “**RAH Tenants**”). Redcliff Aerodrome is located north of Brisbane and is owned and operated by Moreton Bay Regional Council (the “**Target**”).

Each of the RAH Tenants lease the ground that their hangars are on. Most of the tenants have erected their own hangars, at their own cost.

**1.4 email address for service of documents in Australia**

[REDACTED]

**Details of the notified conduct**

**2 Indicate what the notified conduct is for:**

The notified conduct is for collective bargaining (under s. 93AB) without collective boycott.

**3 Provide details of the notified conduct including:**

**3.1 a description of the notified conduct**

RACCI intends to negotiate with the Target on behalf of the RAH Tenants, in relation to Redcliffe Aerodrome Hangar lease agreements to be entered into between the Target and each of the RAH Tenants (the “**RAH Leases**”).

Participation in the notified conduct is voluntary and each party may independently determine whether or not to enter into a lease on the terms negotiated.

**3.2 any relevant documents detailing the terms of the notified conduct**

No relevant documents.

**3.3 the rationale for the notified conduct**

Both the Target and the RAH Tenants have agreed that there would be benefit in negotiating common lease terms to apply to the use of the Redcliffe Aerodrome into the future. Indeed, such coordinated negotiations are necessary to enable efficient negotiation of complex lease terms and conditions with a group of small operators so as not to duplicate efforts and spending on legal advice.

The RAH Tenants see benefit in those negotiations covering matters such as tenure (term), rent (price) and other commercial points.

The RAH Tenants are each small businesses and are mostly captive tenants of the Target. Absent collective negotiation, the RAH Tenants will have limited bargaining power in negotiations with the Target.

By negotiating collectively, RACCI (as the representative of all RAH Tenants) and the RAH Tenants expect to negotiate better terms and conditions with the Target, and create efficiencies that could not be achieved individually.

**3.4 any time period relevant to the notified conduct**

Initial discussions have commenced amongst RAH Tenants and the Target in relation to potential options for legal drafting of the RAH Lease. However, notification to the ACCC is made to permit immediate collective negotiation on these and other commercial matters, including price.

Negotiations are expected to take around three months but there may be residual matters that require further coordination by RACCI. Accordingly it is appropriate that the notification be in place for the usual period of three years.

**4 Provide documents submitted to the notifying party's board or prepared by or for the notifying party's senior management for purposes of assessing or making a decision in relation to the notified conduct and any minutes or record of the decision made.**

On 15 June 2020, RACCI held a public meeting of RAH Tenants. Out of the 36 RAH Tenants, 30 RAH Tenants attended the meeting and unanimously approved a resolution allowing RACCI to lodge a collective bargaining notification with the ACCC on their behalf. This has not been officially minuted.

**5 Provide the names and/or a description of the persons or classes of persons who may be directly impacted by the notified conduct (including targets in collective bargaining or boycott conduct) and detail how or why they might be impacted.**

Beyond the Target, RACCI does not expect that other persons will be materially impacted by the notified conduct.

## Market information and concentration

- 6 Describe the products and/or services, and the geographic areas, supplied by the notifying parties. Identify all products and services in which two or more parties to the notified conduct overlap (compete with each other) or have a vertical relationship (e.g. supplier-customer).**

The RAH Tenants are a diverse group of users of the Redcliffe Aerodrome. The Redcliffe Aerodrome hosts over 30 aviation businesses servicing the Moreton Bay region, offering:

- Pilot training
- Charter services
- Scenic flights and tours
- Club for students and pilots
- Aircraft maintenance and refurbishing services

The RAH Tenants also comprise private users and emergency services organisations, and/or businesses that support emergency services, including the Rural Fire Service, Police, Royal Flying Doctor and Australian Defence Force.

The RAH Tenants are independent entities and acquire services of the Target, including leasing and associated use of the aerodrome. To the extent that RAH Tenants acquire these services, they may compete with each other to do so.

- 7 Describe the relevant industry or industries. Where relevant, describe the sales process, the supply chains of any products or services involved, and the manufacturing process.**

As described above and below, the industry immediately impacted by the notified conduct is general aviation industry in the region of the Redcliffe Aerodrome.

- 8 In respect of the overlapping products and/or services identified, provide estimated market shares for each of the parties where readily available.**

There are no relevant market shares of the parties. As noted, the RAH Tenants comprise a variety of users of the Redcliffe Aerodrome, participating in a variety of markets.

- 9 Describe the factors that would limit or prevent any ability for the parties involved to raise prices, reduce quality or choice, reduce innovation, or coordinate rather than compete vigorously.**

South East Queensland Regional Airports (which include Gympie, Sunshine Coast, Caloundra, Toowoomba and Byron Bay airports) offer equivalent services to the services provided by Redcliffe Aerodrome.

Whilst those proximate airports would offer some constraint to the Target, the Target's unique location, business profile and the longstanding, embedded position held with some RAH Tenants, give it a significant market and bargaining power.

As noted above, concerns of countervailing power of the Target puts individual RAH Tenants at a significant bargaining disadvantage. RACCI-lead bargaining is hoped to assist those tenants counteract that issue so that they can operate at the Redcliffe Aerodrome on more favourable terms.

Beyond competition for leases, there is limited competition amongst RAH Tenants, given their differentiated businesses. Commercial RAH Tenants will face competition from business operating out of nearby airfields to different extents. For example, Licensed Aircraft Engineering provides services such as mechanical and avionics services, paint shop services,

fixed wing training and helicopter training. It may face competition from its counterpart service providers at nearby airfields.

However, RACCI understands that tenants at these other airports are subject to a lower rent than the current rent applicable to the RAH Tenants. This limits the ability for the RAH Tenants to compete effectively with respective service providers at those airports.

There are no factors that would be expected to limit or prevent competition amongst the parties that would be impacted by the notified conduct.

#### **Public benefit**

**10 Describe the benefits to the public that are likely to result from the notified conduct. Provide information, data, documents or other evidence relevant to the ACCC's assessment of the public benefits.**

The RAH Tenants serve various public benefits, including supporting emergency services, offering local employment and supporting tourism and local businesses that use the aerodrome to transport personnel and products.

In rebalancing the bargaining position of the RAH Tenants through the notified conduct, it is hoped that RAH Tenants will be able to negotiate more favourable terms (including price) and so continue to remain viable and support the identified public benefits.

The proposed collective negotiation with the Target is also aimed at ensuring that the RAH Tenants continue to compete effectively in their respective primary markets, by ensuring that a key input cost is kept to a minimum.

#### **Public detriment (including likely competitive effects)**

**11 Describe any detriments to the public that are likely to result from the notified conduct, including those likely to result from any lessening of competition. Provide information, data, documents, or other evidence relevant to the ACCC's assessment of the detriments.**

RACCI does not anticipate any detriments to the public or any reduction in competition in the market place arising out of it collectively bargaining on behalf of the RAH Tenants.

Participation in the notified conduct is voluntary and each party may independently determine whether or not to enter into a lease on the terms negotiated.

As noted above, there is limited scope for a reduction in competition to arise by virtue of the notified conduct, given the diverse markets serviced by the RAH Tenants and the discrete scope of coordination contemplated. Indeed the outcome is more likely to be pro-competitive, insofar as it rebalances the bargaining power between the RAH Tenants and the Target.

#### **Contact details of relevant market participants**

**12 Identify and/or provide names and, where possible, contact details (phone number and email address) for likely interested parties, such as actual or potential competitors, customers and suppliers, trade or industry associations and regulators.**

The contact details of the Target are as follows:

Greg Chemello  
Chief Executive Officer  
Moreton Bay Regional Council  
220 Gympie Road, Strathpine QLD 4500

P: [REDACTED]  
E: [REDACTED]

**Any other information**

**13 Provide any other information you consider relevant to the ACCC's assessment of the notified conduct.**

None.

**Section 2 - Additional information for collective bargaining (with or without a collective boycott) conduct only**

**14 Confirm that the notifying party is not a trade union, an officer of a trade union or acting at the direction of a trade union.**

RACCI confirms that it is not a trade union.

**15 Provide details (name, phone number, email address) of the persons who are current members of the group (contracting parties) on whose behalf the notification is lodged. If relevant, identify the classes of persons who may become contracting parties in the future and on whose behalf the notification is lodged.**

Notification is lodged on behalf of the RAH Tenants appearing at **Attachment 1** (contracting parties). It is also lodged on behalf of any other potential or future RAH Tenant, should they seek to participate in the notified conduct.

**16 Confirmation**

RACCI confirms that:

- (a) each contracting party reasonably expects to enter into an agreement with the Target in respect of the leasing of the relevant RAH as each RAH Tenant is a current tenant of the Target and currently intends to continue to be so; and
- (b) the value of that agreement will not exceed \$3 million in any 12 month period, as the rent is substantially below that figure - indeed for each tenant is currently well under \$100,000.

**17 The contracting parties do not propose to engage in a collective boycott**

The notified conduct is for collective bargaining without collective boycott.

**Section 3 - Declaration by notifying party**

Authorised persons of the notifying party must complete the following declaration.

The undersigned declare that, to the best of their knowledge and belief, the information given in response to questions in this form is true, correct and complete, that complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The undersigned are aware that giving false or misleading information is a serious offence and are aware of the provisions of sections 137.1 and 149.1 of the *Criminal Code* (Cth).

  
\_\_\_\_\_

Signature of authorised person

ALAN CARLISLE

President Redcliffe Aerodrome Chamber of Commerce Inc.

Office held

(Print) Name of authorised person

This 10<sup>th</sup> day of July 2020

*Note: If the Notifying Party is a corporation, state the position occupied in the corporation by the person signing. If signed by a solicitor on behalf of the Notifying Party, this fact must be stated.*

**Attachment 1**

| Hangar #        | Name   | Address    | Email      | Phone No.  |
|-----------------|--|------------|------------|------------|
| 35              | Davcan Aeronautics P/L and Lynian Family Trust. David Nelson | [REDACTED] | [REDACTED] | [REDACTED] |
| 38              | Davcan Aeronautics P/L and Lynian Family Trust. David Nelson | [REDACTED] | [REDACTED] | [REDACTED] |
| 39              | Davcan Aeronautics P/L and Lynian Family Trust. David Nelson | [REDACTED] | [REDACTED] | [REDACTED] |
| 5 & 9 (1 lease) | Frank North  | [REDACTED] |            |            |
| 68              | Chris Ching  | [REDACTED] | [REDACTED] | [REDACTED] |
| 56              | Sunshine Aerobatics. Raja Suri.                              | [REDACTED] | [REDACTED] | [REDACTED] |
| 45 h17e         | Malcolm Keag   | [REDACTED] | [REDACTED] |            |
| 54              | Aircraft Australia. Douglas Heath                            | [REDACTED] | [REDACTED] | [REDACTED] |
| 57              | Aircraft Australia. Douglas Heath                            | [REDACTED] | [REDACTED] | [REDACTED] |
| B2              | Bronwyn Johnston   | [REDACTED] | [REDACTED] | [REDACTED] |
|                 | Peter Stephenson   | [REDACTED] | [REDACTED] | [REDACTED] |
|                 | Thomas Potter  | [REDACTED] | [REDACTED] | [REDACTED] |
| 49              | Keith Schelberg  | [REDACTED] | [REDACTED] | [REDACTED] |

Notification of Collective Bargaining  
 Redcliffe Aerodrome Chamber of Commerce Inc.

| Hangar # | Name                            | Address    | Email      | Phone No.  |
|----------|---------------------------------|------------|------------|------------|
| 62       | Ashley Miller                   | [REDACTED] | [REDACTED] | [REDACTED] |
| H6, H10  | Ron Ennis                       | [REDACTED] | [REDACTED] | [REDACTED] |
| 65       | Graham Swannell                 | [REDACTED] | [REDACTED] | [REDACTED] |
| 64       | Mark Foy                        | [REDACTED] | [REDACTED] | [REDACTED] |
| 66       | Ted Bullock                     | [REDACTED] | [REDACTED] | [REDACTED] |
| H18a1    | Arthur Nommensen                | [REDACTED] | [REDACTED] | [REDACTED] |
| H18b1    | Arthur Nommensen                | [REDACTED] | [REDACTED] | [REDACTED] |
| H18b2    | Arthur Nommensen                | [REDACTED] | [REDACTED] | [REDACTED] |
| 50       | Bill McMonagle                  | [REDACTED] | [REDACTED] | [REDACTED] |
| 17       | Andrew Vann                     | [REDACTED] | [REDACTED] | [REDACTED] |
| 1        | Chris Kaminski                  | [REDACTED] | [REDACTED] | [REDACTED] |
| 25       | Eagle. John McClymont           | [REDACTED] | [REDACTED] | [REDACTED] |
| 27       | Eagle. John McClymont           | [REDACTED] | [REDACTED] | [REDACTED] |
| 33       | Eagle. John McClymont           | [REDACTED] | [REDACTED] | [REDACTED] |
| 34       | Eagle. John McClymont           | [REDACTED] | [REDACTED] | [REDACTED] |
| 37       | Eagle. John McClymont           | [REDACTED] | [REDACTED] | [REDACTED] |
| N        | Bob Tait Aviation Theory School | [REDACTED] | [REDACTED] | [REDACTED] |
| 15       | Warick (Woc) Woinarski          | [REDACTED] | [REDACTED] | [REDACTED] |
| 2        | Flinders Aviation               | [REDACTED] | [REDACTED] | [REDACTED] |
| 61       | Scott Bankier                   | [REDACTED] | [REDACTED] | [REDACTED] |
| H1       | Redcliffe Aero Club             | [REDACTED] | [REDACTED] | [REDACTED] |



Notification of Collective Bargaining  
Redcliffe Aerodrome Chamber of Commerce Inc.

| Hangar # | Name  | Address    | Email      | Phone No.  |
|----------|---|------------|------------|------------|
| H2       | Redcliffe Aero Club                               | [REDACTED] | [REDACTED] | [REDACTED] |
| H13      | Trojan Air Tech Pty Ltd.<br>Ian Silvester         | [REDACTED] | [REDACTED] | [REDACTED] |
| H17      | Trojan Air Tech Pty Ltd<br>Ian Silvester          | [REDACTED] | [REDACTED] | [REDACTED] |
| 41       | Cherryglen P/L, Richard Goddard                   | [REDACTED] | [REDACTED] | [REDACTED] |
| 42       | Cherryglen P/L, Richard Goddard                   | [REDACTED] | [REDACTED] | [REDACTED] |
| 63       | Stephen Comiskey                                  | [REDACTED] | [REDACTED] | [REDACTED] |
| 32       | Aeropower Pty Ltd<br>Australia.<br>Darryn Carlile | [REDACTED] | [REDACTED] | [REDACTED] |
| H9       | DND Aviation P/L. (David Young)                   | [REDACTED] | [REDACTED] | [REDACTED] |
| 40       | Michael Redmond Family Trust,<br>Michael Redmond  | [REDACTED] | [REDACTED] | [REDACTED] |
| 53       | Gerry Dick  | [REDACTED] | [REDACTED] | [REDACTED] |
| 28       | Russell Keag                                      | [REDACTED] | [REDACTED] | [REDACTED] |
| 30       | Russell Keag                                      | [REDACTED] | [REDACTED] | [REDACTED] |
| 31       | Russell Keag                                      | [REDACTED] | [REDACTED] | [REDACTED] |
| 51       | Mark Damman                                       | [REDACTED] | [REDACTED] | [REDACTED] |
| 52       | Mark Damman                                       | [REDACTED] | [REDACTED] | [REDACTED] |
| 26       | Hamish Fraser                                     | [REDACTED] | [REDACTED] | [REDACTED] |