

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 in 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.

1. Applicant

1.1 Name and details of notifying party:

(a) Caravan Trade and Industries Association of Queensland ABN 46 009 859 367
(CTIAQ)

(b) Contact details:

Jason Plant

Executive General Manager

[REDACTED]

Unit 9, 10 Hudson Road, Albion Qld 4010

PO Box 5542, Stafford Heights, Qld 4053

(c) Description of business:

CTIAQ is the peak body and voice of the caravanning industry in Queensland. On behalf of its members, which includes retailers, manufacturers, hirers and suppliers, CTIAQ engages and participates in advocacy, government liaison, industry marketing, training, education and events.

(d) Address for service:

Brett Bolton

Partner

HopgoodGanim Lawyers

Level 8, Waterfront Place, 1 Eagle Street, Brisbane Qld 4000

PO Box 7822, Waterfront Place, Qld 4001

[REDACTED]

2. Details of the notified conduct

2.1 Description of the services in relation to the supply of which the notice relates:

The provision of CTIAQ owned and operated trade shows and events for the sale and offering for sale by exhibitors to the general public of caravans and motor homes.

2.2 Description of the notified conduct

CTIAQ seeks to establish a loyalty program whereby it rewards its members who participate exclusively in CTIAQ owned and operated events by offering them a discounted exhibition fee in relation to those events. Members who participate in events operated by alternative suppliers will not be eligible to receive the discount.

2.3 Rationale for the notified conduct:

CTIAQ seeks to engage in the notified conduct for the reasons set out below:

- (a) To reward CTIAQ members for their ongoing loyalty;
- (b) To encourage CTIAQ members to decrease the number of events that they attend so that:
 - (1) members can invest more time and resources into their dealerships and other industry businesses, benefitting the consumer;
 - (2) members can invest more time and resources into the events they do attend to increase the quality of the exhibits;
 - (3) the burden and costs of attending numerous events throughout the year is reduced; and
 - (4) consumers can experience a greater degree of quality in their dealings with CTIAQ members, at events and at the member businesses.

2.4 Time period relevant to the notified conduct

CTIAQ intends to commence the loyalty program on 1 January 2020. The benefits to be provided to members will be reviewed at CTIAQ's discretion.

2.5 Documents detailing the terms of the notified conduct

Please see item 2.1.

3. **Classes of persons affected or likely to be affected by the notified conduct**

3.1 Classes of persons likely to be affected:

(a) CTIAQ members

CTIAQ members who participate exclusively in CTIAQ events will receive the benefit of the discount. Members who participate in non-CTIAQ events will not be affected and will pay the ordinary fee to exhibit at CTIAQ events.

(b) Other event operators:

Event operators in the recreational vehicle industry may experience a reduction in participation in their events by CTIAQ members.

4. **Market information and concentration**

4.1 Describe the services currently supplied by the notifying party

- (a) CTIAQ owned and operated events that exhibit caravans and related goods on an annual basis, namely:
- (1) Let's Go Brisbane Caravan & Outdoor Expo;
 - (2) Let's Go Gold Coast Caravan & Outdoor Expo;
 - (3) Let's Go Queensland Caravan & Camping Supershow;
 - (4) Let's Go Sunshine Coast Caravan & Outdoor Expo;
 - (5) successors to the above-named events (i.e. the same event under a different name); and
 - (6) other events which from time to time may be introduced by CTIAQ.

4.2 Current geographic areas supplied by the notifying party

South East Queensland;

4.3 Estimated market shares of CTIAQ and its competitors in the market for the provision of the services described in Item 2.1 above are not readily available, primarily because the events and exhibitions offered by commercial event operators such as Australian Events are not limited to caravans and motor homes and, therefore, have a more diverse base of potential exhibitors to draw from.

5. **Public benefit**

There are a number of significant public benefits which will result from the proposed conduct:

- (a) Benefits to the consumer:
- (1) Businesses that participate in CTIAQ events are subject to compliance audits conducted by the Caravan Industry Association of Australia. Product identified as non-compliant cannot be exhibited at future CTIAQ events or advertised for sale to the general public at CTIAQ events, unless and until the non-compliance is rectified.
 - (2) Revenue generated from CTIAQ events is used substantially to fund CTIAQ's free caravan safety check program and other educational programs for consumers and industry staff. The program is available, free of charge, to owners of caravans, motorhomes and other recreational vehicles to ensure compliance with the Australian Design Rules and Road Safety Guidelines.
 - (3) CTIAQ members may choose to exhibit at fewer events and will, therefore, be able to invest more time and resources into their exhibits, improving the experience for the consumer.
 - (4) Members will also be able to spend more time improving the experience at their dealerships, creating greater consumer trust and confidence.
 - (5) CTIAQ can use the revenue created from their events to create and improve industry accreditation and educational programs for CTIAQ members.
- (b) Benefits to CTIAQ members:
- (1) CTIAQ members who participate exclusively in CTIAQ events will receive the benefit of a discount.

- (2) The program may encourage other organisations operating in the recreational vehicle industry to offer similar discounts and promotions, reducing the overall costs for members.

6. **Public detriments**

The notified conduct will not result in public detriment on the basis that:

- (a) the general public are free to attend events of their choosing;
- (b) there is no obligation for CTIAQ members to accept CTIAQ's offer;
- (c) there is no penalty imposed on CTIAQ members who choose to exhibit at non-CTIAQ events; and
- (d) the notified conduct will have no appreciable effect on competition among providers of recreational vehicle events.

Declaration by notifying party

The undersigned declares that, to the best of his knowledge and belief, the information given in response to the 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 is aware that giving false or misleading information is a serious offence and is aware of the provisions of sections 137.1 and 149.1 of the *Criminal Code* (Cth).

Signed by Jason Plant

Signature

Executive General Manager.

Office held

This 1st day of October 2019