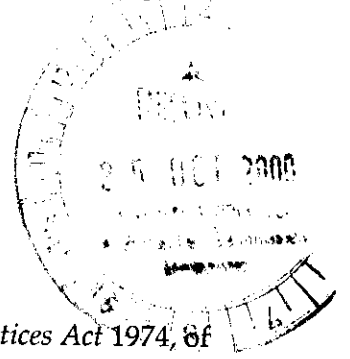




**FORM G**  
**[Front of Form]**  
**COMMONWEALTH OF AUSTRALIA**  
**Trade Practices Act 1974 – Sub-section 93(1)**  
**EXCLUSIVE DEALING**  
**NOTIFICATION**

**N40A/4**  
**Regulation 9**



To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or 9(a), (b), (c) or (d) of that Act in which the person giving notice engaged or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

1. (a) **Name of person giving notice.**

Queensland Newspapers Pty Ltd

ABN 61 009 661 778

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

Publisher and distributor of newspapers

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

Tony Prowse, Director: Newsagency Industry Restructure  
 News Limited  
 HWT Tower, 40 City Road  
 SOUTHBANK VIC 3006

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

See attached submission

(b) **Description of the conduct or proposed conduct**

See attached submission

3. (a) **Class or classes or persons to which the conduct relates:**

Distribution agents as set out in the attached submission.

(b) **Number of those persons.**

(i) **At present time: about 1,100**

(ii) **Estimated within the next year: about 1,100**

(c) **Where number of persons stated in item 3(b)(I) is less than 50, their names and addresses.**

Not applicable

4. **Name and addresses of person authorised by the person giving the notice to provide additional information in relation to this notice is:**

Tony Prowse  
Director: Newsagency Industry  
Restructure  
News Limited  
HWT Tower  
40 City Road  
SOUTHBANK VIC 3006

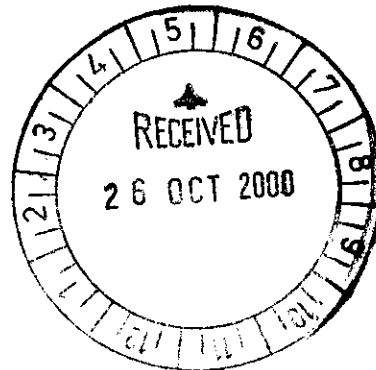
Dated

*25/10/2000*

Signed by/on behalf of the applicant giving  
this Notice

*Tony Prowse*

TONY PROWSE  
Director: Newsagency Industry Restructure  
News Limited



## TRADE PRACTICES REGULATIONS

[Back of Form]

### DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
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. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in subsection 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

### NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47(6) or (7), or paragraph 47(8)(c) or (9)(d), of the *Trade Practices Act 1974* (the Act), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act (the prescribed period) unless the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.

Attachment to notification in respect of distribution agency agreement.

As the Australian Competition and Consumer Commission ("ACCC") is aware, the authorised system under which the newspaper and newsagency industry has operated since the introduction of the Trade Practices Act 1974 has been progressively phased out pursuant to rulings of the Australian Competition Tribunal made on 18 November 1998.

The current notification applies in respect of the arrangements which the notifying party proposes will run from 1 February 2001 in respect of the attached territorial distribution agency agreement ("TDAA").

An existing newsagent holding a current newsagency contract covering supply of the notifying company's publications to home delivery and sub-agent retail customers will be offered a TDAA. A separate retail agency contract will be offered to an existing newsagent whose current newsagency contract also applies to retail sales at the newsagent's own retail outlet(s). For distribution services provided to the distributor's own retail agency outlet, whether it continues under the distributor's ownership in whole or in part, or is owned independently, the distributor is to share its commission with the outlet on the same basis as for other retailers. This approach not only allows for future specialisation into either distribution or retailing, but also recognises the separate distribution and retailing activities and values them separately.

A related notification is being lodged with the ACCC in respect of the notifying company's conduct with retailers under its new retail agency contracts. A related notification is also being lodged with the ACCC in respect of clause 4.3 of the Agreement Particulars.

An explanation of the TDAA and other contracts is attached. Certain trading restrictions will be imposed on the distribution agent pursuant to clauses 2.1 and 2.2 of the General Contractual Provisions in attachment "A" to the TDAA. These restrictions affect the overall interpretation and operation of the TDAA.

Overall, the TDAA is intended to ensure that the distribution agent provides an efficient, effective and competitive service for the benefit of home delivery customers and retailer customers, which will maintain the competitiveness of the notifying party and its publications.

The notifying party submits that the overall operation of the TDAA will not, and will not be likely to, substantially lessen competition in any market as there will continue to be amongst other things:

1. substantial interbrand competition from other publications and other media;
2. substantial distribution competition from other publishers, distributors of other publications and other media, under their existing and new distribution systems and alternative delivery methods of electronic and physical versions of their products;
3. substantial ability for the notifying party, as principal, acting at all relevant times in an appropriate manner in its dealings with each distribution agent, to implement measures to meet the requirements of home delivery and retailer customers.