Lander & Rogers
Lawyers

8 February 2005

Australian Competition and Consumer Commission
Adjudications Branch
GPO Box 520J
MELBOURNE VIC 3000

FILE No:
DOC: D05/5948
MARS/PRISM:

Exclusive dealing notification
Hawthorn Football Club Ltd
Our ref: MAF 81834

We act for Hawthorn Football Club Ltd (ACN 005 068 851) which proposes to enter into a promotional arrangement with Telstra Bigpond.

Please find enclosed Form G Exclusive Dealing Notification and cheque for $100.00 payable to the Australian Competition and Consumer Commission.

Please contact us if you require further information.

Yours faithfully

Contact: Matthew Finnis
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AUST. COMPETITION & CONSUMER COMMISSION
MELBOURNE
14 FEB 2005

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M81834#004

N40835

Form G

Commonwealth of Australia
Trade Practices Act 1974 ---- Sub-section 93(1)

EXCLUSIVE DEALING NOTIFICATION

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 engages or proposes to engage.

1. (a) Name of person giving notice

Hawthorn Football Club Limited (ACN 005 068 851) ("HFC")

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

Operation of a membership based not for profit club within the Australian Football League.

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

Ausdoc Oval, 30 Linda Crescent, Hawthorn Victorian 3122

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

Signed copy of book "Exposed" by Shane Crawford.

(b) Description of the conduct or proposed conduct

HFC is a not-for profit organisation operating in a competitive market for membership and sponsorship support, without which it could not operate.

HFC wishes to secure membership support for Telstra Bigpond.

HFC proposes to enter into arrangements with Telstra Bigpond in which HFC will provide its supporters with a free, signed copy of Shane Crawford's book "Exposed" on condition the supporter:

(a) applies for a service through the Bigpond website; and
(b) signs up for a contract term of at least 12 months with Telstra Bigpond.

In respect of the proposed conduct, HFC makes the following submissions:

The proposed conduct will be of benefit to the public as it will:

- promote innovation and competition amongst sporting organisations involved in attracting membership and sponsorship;
- promote competition amongst providers of broadband services; and
- provide both sporting organisations and telecommunications businesses with a greater number of potential consumers.

The proposed conduct will not lessen competition in the telecommunications industry, or the market for sporting club memberships and sponsorships, as:

- the telecommunications industry is very competitive;
- the market for sponsorship support is very competitive;
- the promotion is available to a discrete number of individuals, being HFC members and supporters, and is for a limited duration;
- it is not unusual for sporting organisations to engage in promotions that involve the provision of discounts or free products to its members and supporters in return for the club receiving support in the form of corporate sponsorship; and
- consumers may still acquire the book "Exposed" at the usual price without acquiring Telstra Bigpond's services.

HFC believes that the benefits from the proposed conduct will outweigh any possible detriment that may arise from the conduct.

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

Current and future members and supporters of HFC.

(b) Number of those persons--

(i) At present time

Not known

(ii) Estimated within the next year

Not known

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

Not applicable

4. Names and addresses of persons authorised by the person giving this notice to provide additional information in relation to this notice.

Matthew Finnis
Lander & Rogers Lawyers
Level 12 600 Bourke Street
Melbourne, VIC 3000.

Dated 8 February 2005.....

Signed by/on behalf of the applicant giving notice.

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Matthew Finnis
Solicitor

AUST. COMPETITION &
CONSUMER COMMISSION
MELBOURNE
14 FEB 2005