



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2006/355  
Contact Officer: Nadia Cooke  
Contact Number: (03) 9290 1478

6 March 2006

c/o – Peter Armitage  
Partner  
Blake Dawson Waldron  
Locked Bag N6  
SYDNEY NSW 1225

Dear Mr Armitage

**Re: Third line forcing notifications N31540 and N31541 lodged by  
Visa International Service Association (VISA) and  
Dainty Consolidated Entertainment Pty Ltd (the Promoter)**

I refer to your facsimile dated 27 February 2006 in relation to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (ACCC) on 10 February 2006. The facsimile has been placed on the ACCC's public register.

In lodging the notifications, VISA and the Promoter have described the conduct as follows:

...VISA will enter into an arrangement with the Promoter whereby VISA Cardholders have 4 days 'exclusive' access to tickets for the Concert prior to tickets going on general release on 28<sup>th</sup> February 2006.

...

A maximum limit has been set of 30% of tickets to the Concert to be sold during the VISA pre-sale period... The type of tickets available to VISA Cardholders in the pre-sale period will represent a



proportionate allocation of each "level" (i.e. price) of tickets available.

The Concert is defined as the Rolling Stones Melbourne concert at Flemington Racecourse on 13 April 2006.

Legal immunity conferred by the notifications commenced on 24 February 2006.

Your facsimile outlines changes to the detail of the conduct the subject of notifications. The ACCC notes the following amendments:

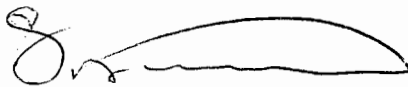
- the pre-sale period will run for five days (not four)
- the tickets will be available for general release on 8 March 2006 (not 28 February 2006)
- the venue of the concert will be Rod Laver Arena (not Flemington Racecourse).

I do not propose to make inquiries at this time in relation to these changes in detail.

However, you should be aware that the notification provisions of the *Trade Practices Act 1974* (TPA) do not specifically provide for amendments to notifications once lodged. Therefore, it is not without legal doubt that the immunity afforded by notifications N31540 and N31541 extends to cover the changes. Ultimately it is a matter for you as to whether the Promoter and VISA need to lodge separate notifications in this regard.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Nadia Cooke on (03) 9290 1478.

Yours sincerely



Scott Gregson  
General Manager  
Adjudication Branch