



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: N31596 and N31597  
Contact Officer: Tina Pigliardo  
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6 April 2006

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

Dear Mr Armitage

**Third line forcing notifications N31596 and N31597 lodged by  
Visa International Service Association (VISA) and  
Feld Entertainment (Australia) Pty Ltd (Feld)**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) by VISA and Feld on 31 March 2006. The notifications have been placed on the ACCC's public register.

VISA and Feld have described the conduct as follows:

...VISA will enter into an arrangement with Feld whereby VISA cardholders have 9 days exclusive access to tickets for Disney On Ice 2006 prior to tickets going on general release to the general public in late April/early May 2006. VISA cardholders will be able to purchase tickets over the internet...on condition that the cardholder pays for the tickets using his or her VISA card.

...

A maximum limit has been set of 30% of tour tickets 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.



In June 2006 the Disney On Ice tour will commence in Australia at venues in Sydney, Melbourne, Wollongong, Newcastle and Brisbane.

Legal immunity conferred by the notifications will commence on 14 April 2006.

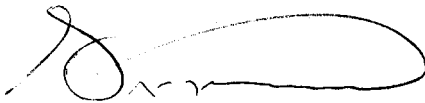
On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

I note that Feld has purported to notify in its own capacity and on behalf of agent(s) appointed by Feld to sell tickets. As you are aware, notification has the effect of affording immunity to the person notifying the conduct. The *Trade Practices Act 1974* (the Act) does not appear to enable a person to notify on others' behalf. On the basis that the agents have not notified individually under section 93 of the Act, in my view there is some legal doubt as to whether the immunity afforded by the notification extends to them. The agents may therefore wish to consider whether they need to lodge separate notifications to the extent they consider they are engaged in the notified conduct in their own right.

Please note that the ACCC may act to remove the immunity afforded by these notifications at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

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 Tina Pigliardo on (03) 9290 1481.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson  
General Manager  
Adjudication Branch