



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: N93185
Contact Officer: Louise Hird
Contact Number: (03) 9290 1484

15 November 2007

Kate Cooper
General Counsel
Ticketek Pty Limited
GPO Box 1610
Sydney 2001 NSW

C.C. Gina Cass-Gottlieb
Partner
Gilbert & Tobin
GPO Box 3810
Sydney NSW 2001

Dear Ms Cooper

**Third line forcing Notification N93185 –
Ticketek Pty Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (ACCC) on 29 October 2007. The notification has been placed on the ACCC's public register.

You have described the notified conduct as Ticketek proposing to provide a number of offers to individuals on condition they are new and existing Optus customers of Optus telephony, internet, subscription TV or mobile telephone products and have registered with the Optus 'yes' Tickets program.

Legal immunity conferred by the notification commenced on 12 November 2007.

One offer contemplated is the offering of a limited number of tickets to nominated events to Optus 'yes' Tickets members through a priority booking period before such tickets are available for sale to the general public. I note that Ticketek currently offers a similar priority booking period in respect of some events to Visa card holders. This arrangement is the subject of notifications N31439 and N31440, lodged with the ACCC on 15 August 2005.

I also note the letter provided by Gilbert and Tobin on behalf of Ticketek on 5 November 2007. In that letter you advised that it is not currently envisaged that priority booking periods for Optus customers and Visa card holders will be run in respect of the same events. You further advised that in the event that Optus and Visa priority booking periods are both run in respect of the same event:

- where Ticketek is responsible for selling between 60% and 100% of tickets to the event, no more than 30% of Ticketek tickets to the event will be available across both programs in combination during the priority booking period, and
- where Ticketek is responsible for selling between 30% and 59% of tickets to the event, no more than 50% of Ticketek tickets to the event will be made available across both programs in combination during the priority booking period.

You also advise that Ticketek intends to notify the ACCC about priority booking periods for both the Visa and Optus arrangements in accordance with the following guidelines:

- where Ticketek is responsible for selling 30% or more of the tickets to an event or series of events to which either or both offers apply, Ticketek will provide the ACCC with details of the priority booking period at least 14 days in advance of the promotion, and
- where Ticketek is responsible for selling up to 30% of the tickets to an event or series of events to which either or both offers apply, Ticketek will provide the ACCC with details of the priority booking period prior to or on the day the promotion commences.

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

As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification 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.

A copy of 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 Gavin Jones on 03 9290 1475.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Scott Gregson', written over a light blue horizontal line. The signature is fluid and cursive, with a large loop at the end.

Scott Gregson
General Manager
Adjudication Branch