

Wednesday 25 June 2010

Graham Rowsell
Marketing Manager Subscriptions and Online
Queensland Newspapers Pty Ltd
GPO Box 130
BOWEN HILLS QLD 4001

**Consent to notification of third line forcing – Queensland Newspapers and
Queensland Performing Arts Centre.**

Dear Graham

We acknowledge that an arrangement between Queensland Newspapers Pty Ltd ABN 61 009 661 778 (“**Queensland Newspapers**”) and (Queensland Performing Arts Centre, ABN 13 967 571) Queensland Performing Arts Centre may be considered a contravention of section 47 of the *Trade Practices Act 1974 (Cth)*.

In particular, the arrangement involves Queensland Performing Arts Centre providing a discount or value add offer when supplying subscribers of Queensland Newspapers’ Subscriber Advantage Rewards Program.

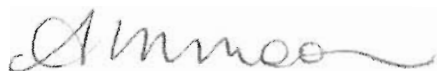
As a result, we consent to Queensland Newspapers lodging with the ACCC, on our behalf:

1. A Form G notification; and
2. A submission made by Queensland Newspapers on behalf of (Partner) supporting the Form G notification – highlighting the public benefit associated with the proposal and the absence of any misuse of market power,

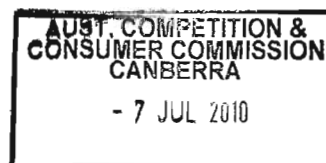
In the form attached.

We also agree to Queensland Newspapers providing a copy of this letter to the ACCC as evidence of Queensland Performing Arts Centre consent to Queensland Newspapers lodging the Form G notification on Queensland Performing Arts Centre behalf.

Yours sincerely



Anne-Maree Moon
Director – Marketing and Ticketing
Queensland Performing Arts Centre
PO Box 3567
SOUTH BANK QLD 4010



Form G

Commonwealth of Australia

Trade Practices Act 1974 — subsection 93 (1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

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

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

(a) **Name of persons giving notice:**

(Refer to direction 2)

N94843

Queensland Performing Arts Trust (**Partner**), a body corporate under the Queensland Performing Arts Trust Act (Qld.) 1977 which represents the State of Queensland and operates the Queensland Performing Arts Centre (**QPAC**)

This form is lodged by Queensland Newspapers Pty Limited on behalf of Partner

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

Partner operates QPAC which is located on the banks of the Brisbane River. *(Refer to direction 3)*

Please refer to the submission in support of the notification for further details.

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

41 Campbell St, Bowen Hills, Queensland, 4006, Attention: Graham Rowsell

2. Notified arrangement

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

1. Goods and services supplied by Partner being discounted tickets for "Marty Rhone & The Big O 'Born to Rock' 45th Anniversary Tour on 31st July, 2010 (**Partner Services**).
2. Goods and services supplied by Queensland Newspapers Pty Limited (**QN**), being newspaper subscriptions to The Courier-Mail and The Sunday Mail. (**QN Goods**).

(b) Description of the conduct or proposed conduct:

(Refer to direction 4)

1. Partner proposes to supply, or offer to supply, Partner Services on the condition that the person to whom Partner supplies or offers or proposes to supply Partner Services has acquired QN Goods from QN; and
2. Partner further proposes to refuse to supply Partner Services to a Customer for the reason that the person has not acquired, or has not agreed to acquire, QN Goods from QN.

Please refer to the submission in support of the notification.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

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

(Refer to direction 5)

Persons who are members of the public who wish to take advantage of the offer of the Partner Services.

(b) Number of those persons:

(i) At present time:

Nil.

(ii) Estimated within the next year:

We estimate on average approximately a couple of hundred subscribers are likely to take up the offer]

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

Not applicable.

4. Public benefit claims

(a) Arguments in support of notification:

(Refer to direction 7)

Please refer to the submission in support of the notification.

(b) Facts and evidence relied upon in support of these claims:

Please refer to the submission in support of the notification.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

(Refer to direction 8)

Please refer to the submission in support of the notification.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:**

(Refer to direction 9)

Please refer to the submission in support of the notification.

- (b) Facts and evidence relevant to these detriments:**

Please refer to the submission in support of the notification.

7. Further information

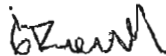
- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:**

41 Campbell St, Bowen Hills, Queensland, 4006,

Attention: Graham Rowsell 07 3666 6596

Dated **6th July** 2010

Signed by/on behalf of the applicant



.....
Graham Rowsell

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 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. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.

Submission

Queensland Performing Arts
Trust (QPAC)
– Notification of Exclusive Dealing
Submission to the ACCC

Monday, 7 June 2010

1 Introduction

This submission is provided in relation to a Notification of Exclusive Dealing lodged by

Queensland Performing Arts Trust (QPAC) (**Partner**),

and is lodged by Queensland Newspapers Pty Limited on behalf of Partner.

2 Background

2.1 Partner

Partner is Queensland Performing Arts Trust, a body corporate under the Queensland Performing Arts Trust Act (Qld.) 1977 which represents the State of Queensland and operates the Queensland Performing Arts Centre(QPAC).

2.2 QN

Queensland Newspapers Pty Limited (**QN**) publishes The Courier-Mail and The Sunday Mail newspaper.

2.3 Partner Services/Goods

Partner supplies tickets for performances at QPAC, including "Marty Rhone & The Big O 'Born to Rock' 45th Anniversary Tour on 31st July, 2010 (**Partner Services**).

3 The conduct

3.1 Description of the conduct

Partner has negotiated an arrangement with QN to promote Partner Services to QN's newspapers subscribers through QN's loyalty program "Subscriber Advantage" by which those subscribers will be offered a \$10 discount per ticket (normal ticket price \$67.90 to \$77.90) to Marty Rhone & The Big O 'Born to Rock' 45th Anniversary Tour at QPAC on 31st July 2010.

3.2 Rationale for the notified conduct

Partner's rationale for engaging in the conduct is to attract consumers of use Partner Services who might not otherwise acquire them.

Partner understands that QN's rationale for promoting the conduct is to attract and retain consumers of The Courier-Mail and The Sunday Mail who might not otherwise acquire or continue to acquire those newspapers.

4 Markets

4.1 Markets

Relevant markets include:

- the market or markets for performing arts in Queensland; and
- the market or markets for the supply of news and information in Queensland.

4.2 Suppliers and acquirers

Significant suppliers of services competitive with the Partner Services are:

Entertainment venues including Brisbane Entertainment Centre, Brisbane Exhibition and Convention Centre, other Performing Art bodies

Significant acquirers of Partner Services are members of the general public.

Suppliers of news and information services include News, John Fairfax Publications Pty Limited and various other publishers and distributors.

News and information services are acquired by members of the general public.

5 Public benefits and detriment

5.1 Introduction

Partner submits that the benefit to the public likely to result from the notified conduct would outweigh any detriment to the public likely to result from the conduct.

5.2 Benefits to the public

(a) Competition

The notified conduct would promote competition in relevant markets by encouraging other providers of services to offer competitive value added benefits. Similarly, it could be expected to encourage providers of news and information services to offer value added benefits to customers.

(b) Consumers

The notified conduct would provide a clear benefit to consumers who subscribe to The Courier-Mail and The Sunday Mail as it allows these consumers to purchase tickets at a discount they would not necessarily otherwise receive offered by the Partner.

5.3 Detriment

The notified conduct would not result in public detriment, anti-competitive or otherwise, for the following reasons:

- (a) Members of the public would be under no obligation to accept any Partner offer.
- (b) The general public would be free to acquire Partner Services without any obligation to acquire The Courier-Mail or The Sunday Mail from QN.
- (c) The notified conduct would have no appreciable effect on competition between competitive service providers. In particular, other service providers would be able to provide similar value added benefits.
- (d) The market for the supply of news and information services is highly competitive. Consumers have a significant number of product options available to them. Suppliers of news and information publications, including online, radio, television, newspaper and periodical publications compete in a broad range of product dimensions, including:
 - (1) subscription and cover price;
 - (2) editorial comment;
 - (3) publication format;
 - (4) distribution and branding; and
 - (5) advertising.
- (e) The notified conduct would have no appreciable effect on competition between providers of news and information services.