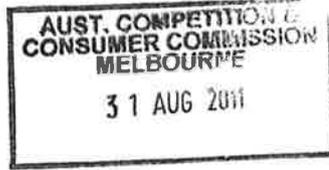




31 August 2011



General Manager
Adjudication Branch
Australian Competition and
Consumer Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne VIC 3000

By Hand

ABN 47 702 595 758

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Melbourne VIC 3000
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www.aar.com.au

FILE No:
DOC:
MARS/PRISM:

Dear Sir/Madam

Form G Notification of Exclusive Dealing Conduct

We act for Ticketmaster Australasia Pty Ltd (ABN 49 089 258 837) (the **Applicant**).

We enclose:

- An exclusive dealing notification Form G for lodgement on behalf of the Applicant; and
- A cheque for the applicable lodgement fee of \$100.00.

Please contact us if you have any queries relating to this matter.

Yours sincerely

David Brewster
Partner
David.Brewster@aar.com.au
Tel 61 3 9613 8707

Alexander Gelis
Senior Associate
Alexander.Gelis@aar.com.au
Tel 61 3 9613 8167

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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 person giving notice:**
(Refer to direction 2)

N95548 Ticketmaster Australasia Pty Limited ACN 089 258 837

- (b) **Short description of business carried on by that person:**
(Refer to direction 3)

Ticketmaster provides ticketing services to venues and promoters across Australia.

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

Level 12, Freshwater Place, 2 Southbank Boulevard, Southbank VIC 3006

2. Notified arrangement

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

Tickets to events such as stage shows, concerts, musicals, theatre, sporting events and other performances.

- (b) **Description of the conduct or proposed conduct:**

(Refer to direction 4)

Ticketmaster proposes to:

(a) give or allow, or offer to give or allow, a discount in respect of the price of tickets to certain events on condition that the customer pays for the tickets and associated ticketing services with an Amex credit or debit card; and

(b) refuse to give or allow, or offer to give or allow, a discount in respect of the price of tickets to certain events because the customer is not paying for the tickets and associated ticketing services with an Amex credit or debit card.

The following restrictions will apply in relation to each discount ticket offer by Ticketmaster to Amex cardholders:

- where Ticketmaster is selling 25-100% of the total saleable inventory for a single event or, where the performance or event is to take place more than once in the same city, a series of events, no more than 50% of the tickets will be made available to Amex cardholders in a discounted ticket offer; and
- where Ticketmaster is selling less than 25% of the total saleable inventory for a single event or, where the performance or event is to take place more than once in the same city, a series of events, all of Ticketmaster's ticket allocation may be offered to Amex cardholders during the discounted ticket offer.

These restrictions will not apply to events that are promoted or specially arranged by American Express. For such events, Ticketmaster may offer all tickets to the event to Amex cardholders.

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 or who become American Express credit or debit card holders.

(b) Number of those persons:

(i) At present time:

Substantially more than 50.

**(ii) Estimated within the next year:
(Refer to direction 6)**

Substantially more than 50.

(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)**

The proposed discount ticket offers to Amex members will be made at the same time tickets are on sale to the general public. In almost all cases, the number of discounted tickets sold to Amex cardholders will represent only a

small percentage of total saleable tickets. Members of the general public who do not have Amex credit or debit cards or who choose not to purchase tickets using Amex credit or debit cards will have access to tickets to these events via the Ticketmaster network at standard (non discounted) ticket prices or, from time to time, a discount price offered to the general public by Ticketmaster. The restrictions on the percentage of discounted tickets made available to Amex cardholders ensure access to tickets by the general public.

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

The proposed conduct benefits Amex cardholders who choose to take advantage of an offer, by enabling them to purchase tickets to a particular event at a discounted price. The proposed conduct does not compel Amex members to purchase tickets.

The proposed conduct also benefits the general public because it helps to increase the viability of events which in turn may mean that more events are held.

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)

The relevant markets are the markets for the provision of entertainment ticketing services and for the issue of credit and debit card services in Australia.

Ticketmaster is a supplier of ticketing services to venues and promoters throughout Australia. It competes with a number of other ticketing service providers such as Ticketek, Foxtix, Moshtix, BOCS Ticketing, Bass, Venue*Tix, Qtix, Tickets.com and Ticket Direct.

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)

There is no known detriment to the public as a result of the proposed conduct, given the restrictions which will apply to the number of tickets

made available to Amex cardholders under a discounted sale offer, which will ensure access by the general public to tickets to all events.

(b) Facts and evidence relevant to these detriments:

See 6(a).

7. Further information

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

Chris Forbes
Chief Executive Officer, Ticketmaster
Freshwater Place, Level 12
2 Southbank Boulevard
Southbank, 3006
VIC Australia
+61 (0)3 8632 2900

Dated..... 31 August 2011

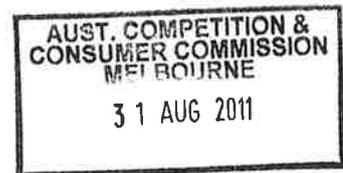
Signed by/on behalf of the applicant

.....
(Signature)

CHRISTOPHER JOHN FORBES
.....
(Full Name)

TICKETMASTER
.....
(Organisation)

CHIEF EXECUTIVE OFFICER
.....
(Position in Organisation)



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 *Competition and Consumer Act 2010* 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.