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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.

1. Applicant

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

Ticketek Pty Ltd ABN 92 010 129 110 (**Ticketek**)

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

Ticketek provides ticketing services to venues and promoters across Australia.

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

Ticketek: Level 18, 66-68 Goulburn Street, Sydney, New South Wales 2000

2. Notified arrangement

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

This notice relates to the provision of:

- services provided by Telstra to its customers, including mobile and fixed line communications, internet, IPTV and subscription television services (**the Telstra Products**); and
- Provision of tickets to rugby league fixtures staged by the National Rugby League Limited ABN 23 082 088 962 (**NRL**) by Ticketek to customers of the Telstra Products (**Telstra Customers**).

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

Telstra is the official sponsor of the 2013 NRL Telstra Premiership Competition (**the Premiership**), including the NRL Telstra Premiership Finals Series (**the Finals Series**). The NRL and Telstra have proposed to provide a benefit to Telstra Customers in relation to Round 25 of the Premiership where

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the Bulldogs, Roosters and Eels teams are playing (30 August 2013 to 2 September 2013) (the **Round 25 Games**) and the Finals Series.

Under this arrangement, Telstra Customers will be provided with the following benefits:

- an exclusive “buy one get one free” ticket offer for Telstra Customers for Round 25 Games. The “buy one get one free” offer will have the following restrictions:
 - **Roosters match** – the offer is only in relation to reserved seating, General Admission tickets and is restricted to 10,000 tickets in total (which includes the 5,000 free tickets as part of the “buy one get one free” offer);
 - **Bulldogs match** – the offer is only in relation to General Admission tickets, restricted to 100 tickets in total (which includes 50 free tickets as part of the “buy one get one free” offer); and
 - **Eels match** – the offer is only in relation to General Admission tickets, restricted to 5,000 tickets in total (which includes 2,500 free tickets as part of the “buy one get one free” offer).

The general public is able to purchase tickets to these matches at the same time as this offer to Telstra Customers is available; and

- access to tickets for each game in the Finals Series at various stadiums 24 hours prior to tickets going on general public release. The tickets will all be priced at \$20. The NRL has set an allocation of tickets available per team, depending on the stadium where the Finals Series games will take place. The pre-sale will take place on:
 - 9 September 2013 for Week 1 of the Finals Series;
 - 16 September 2013 for Week 2 of the Finals Series; and
 - 23 September for Week 3 of the Finals Series.

NRL Club members will have the opportunity to purchase during the Telstra pre-sale (NRL Club member tickets go on sale at the same time as tickets for Telstra Customers). After each 24 hour pre-sale, the public who are not Telstra Customers will be able to acquire tickets to the Finals Series.

Telstra Customers will be able to purchase these pre-sale tickets through the Ticketek website. Purchase of tickets to the Round 25 Games will require Telstra Customers to input a unique code issued to them by Telstra. A unique code will not be necessary to purchase pre-sale tickets to the Finals Series but only Telstra Customers will be able to access the link to the particular offers.

Out of an abundance of caution, Ticketek wishes to notify the conduct under section 93(1) of the CCA.

- 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:**
Telstra Customers.
- (b) **Number of those persons:**
- (i) At present time:
Substantially more than 50.
- (ii) Estimated within the next year:
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:**

The proposed conduct will benefit the public by promoting competition in the markets in which the Telstra Products are supplied as it will encourage competitors of Telstra to procure similar benefits for their customers. The proposed conduct will also benefit the public because Telstra Customers will have access to “buy one get one free” tickets for the Round 25 Games, and the pre-sale window will provide Telstra Customers access to tickets during a nominated time period for the Finals Series.

Members of the general public who are not Telstra Customers who wish to purchase tickets to Round 25 Games and the Finals Series are still able to do so without being a Telstra Customer, as tickets to the Round 25 Games will be available at the same time as this offer to Telstra Customers is available and tickets to the Finals Series will be available via all points of sale across the Ticketek network at the expiry of the pre-sale window.

Part of attracting wide audiences to live sporting matches, and ensuring the continued viability of these types of events is providing a range of value propositions to consumers. Therefore, these discounts (“buy one get one

free”) and pre-sales are intended to attract more people to attend live NRL matches, contributing to the continued viability of those events.

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

The proposed conduct offers benefits to Telstra Customers by enabling them to purchase “buy one get one free” tickets to the Round 25 Games and pre-sale tickets to the Finals Series 24 hours in advance of the general public.

It does not compel Telstra Customers to purchase tickets through Ticketek or to buy any tickets at all.

Further, the Round 25 Games will be restricted to particular ticket categories and both the Round 25 Games and Finals Series offers are subject to a ticketing allocation. Non-Telstra customers are able to purchase tickets to Round 25 Games or the Final Series without acquiring Telstra Products.

The NRL Club members will also have the opportunity to purchase during the Telstra Finals Series pre-sale (NRL Club member tickets go on sale at the same time as tickets for Telstra Customers).

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):

The relevant markets are those in which:

- tickets to live entertainment and sporting events in are supplied in Australia; and
- online content and telecommunications products are supplied in Australia.

Competition in both these markets is vigorous and there are other competitors in each of these markets that compete for business.

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:

It is submitted that there is no detriment to the public as a result of the proposed conduct. Telstra Customers are free to choose whether or not to take advantage of the offer to purchase tickets to the Round 25 Games, or the Finals Series, during the relevant purchase windows.

Further, the Round 25 Games will be restricted to particular ticket categories and both the Round 25 Games and the Finals Series offers are subject to a ticketing allocation. Non-Telstra customers are able to purchase tickets to Round 25 Games or the Final Series without acquiring Telstra Products.

(b) Facts and evidence relevant to these detriments:

There are no detriments. The proposed conduct will provide Telstra Customers with a benefit if they choose to take advantage of the offer. They are not obliged to purchase any tickets to the Round 25 Games, or the Finals Series.

The general public who are not Telstra Customers will have access to these tickets given that there is a limit imposed in terms of the ticket categories available and on the number of tickets allocated to Telstra Customers as part of this offer. In terms of the Round 25 Games, tickets are available to the general public at the same time as the “buy one get one free” offer is available to Telstra Customers. In terms of the Finals Series pre-sale, any unsold tickets will become available to the general public in the ticketing category after 24 hours.

Further, the NRL Club members will have the opportunity to purchase during the Telstra Finals Series pre-sale (NRL Club member tickets go on sale at the same time as tickets for Telstra Customers).

7. Further information

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

Ticketek: Kate Cooper
General Counsel
Ticketek Pty Limited
GPO Box 1610, SYDNEY NSW 2001
Ph: 02 9266 4013

Dated..... 7 August 2013

Signed by/on behalf of the applicant

..... *K Cooper*

(Signature)

..... KATE COOPER

(Full Name)

..... TICKETEK PTY LIMITED

(Organisation)

..... GENERAL COUNSEL

(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.