

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.

1. Applicant

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

N97125

ProTicket Pty Ltd ABN 40 111 819 688 (**ProTicket**)

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

ProTicket provides ticketing services to venues and promoters across Australia.

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

ProTicket: Unit 3, 22 Portside Crescent, Maryville NSW 2293

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 A-League soccer fixtures staged by the Football Federation Australia Limited ABN 28 106 478 068 (**FFA**) by ProTicket to customers of the Telstra Products (**Telstra Customers**).

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

The FFA and Telstra have proposed to provide a benefit to Telstra Customers in relation to the following soccer matches from Round 8 until Round 27 of the 2013/2014 A-League soccer season (from 29 November 2013 until 4 May 2014):

| Date | Home Team | Away Team | Venue | Time |
|--------------------------|----------------|--------------------|----------------|---------|
| Saturday, 4 January 2014 | Newcastle Jets | Perth Glory | Hunter Stadium | 5:30 PM |
| Friday, 10 January 2014 | Newcastle Jets | Melbourne Victory | Hunter Stadium | 7:30 PM |
| Sunday, 9 February 2014 | Newcastle Jets | Wellington Phoenix | Hunter Stadium | 5:00 PM |
| Saturday, 8 March 2014 | Newcastle Jets | Melbourne Heart | Hunter Stadium | 5:30 PM |
| Saturday, 22 March 2014 | Newcastle Jets | Wellington Phoenix | Hunter Stadium | 5:30 PM |
| Saturday, 5 April 2014 | Newcastle Jets | Melbourne Victory | Hunter Stadium | 5:30 PM |
| Friday, 11 April 2014 | Newcastle Jets | Adelaide United | Hunter Stadium | 7:30 PM |

(together the 'A-League Season Games')

Under this arrangement, Telstra Customers will be provided with an exclusive discount ticket offer for Telstra Customers for the A-League Season Games commencing on 29 November 2013 until 12 noon of each Wednesday prior to each A-League Season Game.

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

Telstra Customers will be able to purchase these pre-sale tickets through the ProTicket website. Purchase of discount tickets to the A-League Season Games will require Telstra Customers to log in and verify their details on the Telstra website where they will subsequently be re-directed to a specific ProTicket webpage.

Out of an abundance of caution, ProTicket 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 discount tickets for the A-League Season Games.

Members of the general public who are not Telstra Customers who wish to purchase tickets to A-League Season Games are still able to do so without being a Telstra Customer, as tickets to the A-League Season Games will be available at the same time as this offer to Telstra Customers is available.

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 are intended to attract more people to attend live FFA soccer 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 discount tickets to the A-League Season Games.

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

Further, the A-League Season Games will be restricted to particular ticket categories and subject to a ticketing allocation. Non-Telstra customers are able to purchase tickets to A-League Season Games without acquiring Telstra Products.

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:**

There is no significant 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 A-League Season Games during the relevant purchase windows.

Further, the A-League Season Games will be restricted to particular ticket categories and subject to a ticketing allocation. Non-Telstra customers are able to purchase tickets to A-League Season Games 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 A-League Season Games.

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. The A-League Season Games, tickets are available to the general public at the same time as the discount offer is available to 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:

ProTicket: Nick Sovechles

Managing Director

ProTicket Pty Limited

Unit 3, 22 Portside Crescent, Maryville NSW 2293

Ph: (02) 4915 2345

Dated. 20-11-11

Signed by/on behalf of the applicant

(Signature)

NICHOLAS SOVECHLES

(Full Name)

PROTICKET PTY LTD

(Organisation)

MANAGING DIRECTOR

(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.