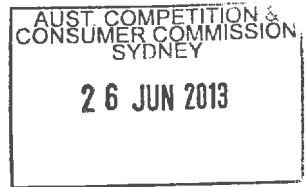


NEWS LIMITED



26 June 2013

The General Manager
Australian Competition & Consumer Commission
Level 20
175 Pitt Street
Sydney NSW 2000

By Courier

Dear Sir or Madam

FORM G – EXCLUSIVE DEALING NOTIFICATION

Please find attached a Form G Exclusive Dealing Notification in relation to potential third line forcing conduct by News Limited and certain of its related bodies corporate under the Competition and Consumer Act 2010 (Cth) (**the Act**). We also enclose the notification filing fee of \$1500.

The applicants submit that in relation to the statutory test under section 93(3A) of the Act, no public detriment will result from the conduct but there will be clear public benefits.

If you have further questions in relation to this notification, please contact the author of this letter on (02) 9288 3107 or by email at rose.owen@news.com.au.

Yours faithfully

A handwritten signature in blue ink that reads "Rose Owen". The signature is written in a cursive style.

Rose Owen
General Counsel

26 JUN 2013

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 in 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:

N96805 Advertiser Newspapers Pty Ltd (ACN 007 872 997)
N96806 Advertiser News Weekend Publishing Company Pty Ltd (ACN 007 562 950)
N96807 Davies Brothers Pty Limited (ACN 009 475 754)
N96808 Gold Coast Publications Pty Ltd (ACN 009 696 511)
N96810 Leader Associated Newspapers Pty Ltd (ACN 004 337 446)
N96811 Messenger Press Pty Ltd (ACN 007 563 439)
N96812 Nationwide News Pty Ltd (ACN 008 438 828)
N96813 News Digital Media Pty Ltd (ACN 000 529 457)
N96814 News Life Media Pty Ltd (ACN 008 923 906)
N96816 News Limited (ACN 007 871 178)
N96817 Queensland Newspapers Pty Ltd (ACN 009 661 778)
N96818 The Cairns Post Pty Limited (ACN 009 655 752)
N96819 The Geelong Advertiser Pty Ltd (ACN 004 090 055)
The Herald & Weekly Times Pty Limited (ACN 004 113 937)
The North Queensland Newspaper Company Pty Ltd (ACN 009 655 690)
(together, *News Ltd entities*)

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

News Ltd entities

Supply of news, media and advertising services.

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

c/- Rose Owen
General Counsel
2 Holt Street
Surry Hills NSW 2010
Phone: 61 2 9288 3107
Fax: 61 2 9288 3235
email: rose.owen@news.com.au

2. Notified Arrangement

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

Recruitment advertising in the various News Ltd entities' publications, published online or otherwise (the **News Services**).

(b) Description of the conduct or proposed conduct:

The notification involves the following proposed conduct.

From time to time, News Ltd entities propose to supply, or offer to supply, the News Services on the condition that and/or supply, or offer to supply, the News Services with a discount, allowance, rebate or credit on the condition that the person to whom the News Ltd entity supplies or offers or proposes to supply the News Services has acquired services from CareerOne.com.au Pty Ltd (**CareerOne**).

News Ltd entities further propose to refuse to supply the News Services for the reason that and/or refuse to supply the News Services with a discount, allowance, rebate or credit for the reason that the person has not acquired, or has not agreed to acquire services from CareerOne.

Please see Attachment A for further detail.

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:

Persons, including those operating businesses, who are members of the public who wish to place recruitment advertising in the News Ltd entities' publications.

(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:**

Please see Attachment A.

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

Please see Attachment A.

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):

See Attachment A.

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 service described at 2(a) above and the prices of goods or services in other affected markets:**

See Attachment A.

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

See Attachment 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:**

c/- Rose Owen
General Counsel
News Limited
2 Holt Street
Surry Hills NSW 2010
Phone: 61 2 9288 3107
Fax: 9288 3235
email: owenr@newsltd.com.au

Dated 26 June 2013

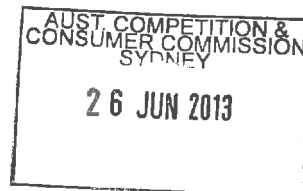
Signed by/on behalf of the applicant

Signature Rose Owen

Full Name ROSE OWEN

Organisation NEWS LIMITED

Position GENERAL COUNSEL



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 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 effected 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.

Attachment A

Background

CareerOne.com.au was initially launched by News Ltd entities as a print and online brand for recruitment advertising and News Ltd entities owned CareerOne.com.au Pty Ltd which operated the News Limited online recruitment advertising business. CareerOne.com.au Pty Ltd is now a joint venture owned by News Limited entities as to 50%, the remaining 50% being owned by Monster Worldwide, Inc and provides online recruitment advertising services and other related services. The News Ltd entities continue to market, promote and publish its recruitment advertising print services under the CareerOne.com.au brand.

Description of the proposed conduct

The notification relates to the following proposed conduct:

- (a) From time to time, News Ltd entities propose to supply, or offer to supply, the News Services on the condition that and/or supply, or offer to supply, the News Services with a discount, allowance, rebate or credit on the condition that the person to whom the News Ltd entity supplies or offers or proposes to supply the News Services has acquired services from CareerOne.com.au Pty Ltd (**CareerOne**).

In addition to the conduct outlined in (a) above:

- (b) News Ltd entities further propose to refuse to supply the News Services for the reason that and/or refuse to supply the News Services with a discount, allowance, rebate or credit for the reason that the person has not acquired, or has not agreed to acquire services from CareerOne.

The conduct described in (a) – (b) above is the proposed conduct to which this notification relates (**proposed conduct**).

The proposed conduct may contravene sections 47(6)(a) and 47(7)(a) of the *Competition and Consumer Act 2010* as:

- The News Ltd entities will be supplying or offering to supply the News Services on the condition that and/or will be supplying, or offering to supply, the News Services with a discount, allowance, rebate or credit on the condition that persons, including those operating businesses, who are members of the public acquire goods or services from a third party, namely CareerOne.
- The News Ltd entities will be refusing to supply the News Services for the reason that and/or refusing to supply the News Services with a discount, allowance, rebate or credit or with a different benefit for the reason that persons, including those operating businesses, who are members of the public have not acquired or agreed to acquire goods or services from a third party, namely CareerOne.

News Ltd entities' rationale for the proposed conduct is to attract customers to the News Services who might not otherwise acquire them.

Market

Relevant markets include the recruitment advertising market or markets in which CareerOne and the News Ltd entities supply recruitment advertising.

The market or markets in which the News Services and the CareerOne services are supplied are competitive. Suppliers of recruitment advertising and other related services include seek.com.au (the largest online recruitment advertising website), Fairfax Media Limited (which also owns mycareer.com.au) and various other print and digital publishers and distributors and technology providers.

Public benefits and detriment

News Ltd entities submit that the benefit to the public likely to result from the notified conduct would likely outweigh any detriment.

The markets potentially affected by the proposed conduct are:

- the market or markets for the supply of recruitment advertising.

Detriment

The proposed conduct would not result in any public detriment for the following reasons:

- The general public, including those operating businesses, would be free to acquire News Services without any obligation to acquire goods or services from CareerOne.
- The general public, including those operating businesses, would be free to acquire CareerOne services without any obligation to acquire goods or services from any News Ltd entity.
- The notified conduct would have no appreciable effect on competition between providers of recruitment advertising. Service providers who compete with CareerOne and News Ltd entities will be able to provide similar value added benefits.
- The markets in which News Ltd entities and CareerOne compete are highly competitive. Consumers have a significant number of product options available to them.

Benefits

(a) Competition

The proposed conduct would promote competition in the provision of recruitment advertising by encouraging other providers to offer similar product options.

(b) Consumers

The proposed conduct would provide a benefit to customers who would be able to access better and more diverse product options.