

# 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:  
N98001 **The Gordon/Frost Organisation Pty Ltd**  
**PO Box 20079, World Square, NSW 2002, Australia**  
ABN: **87 002 552 801**
- (b) Short description of business carried on by that person:  
Australia's leading commercial producer of live theatrical entertainment.
- (c) Address in Australia for service of documents on that person in relation to this matter:  
  
c/- Rose Owen  
General Counsel  
News Limited  
  
2 Holt Street  
Surry Hills NSW 2010  
Phone: 61 2 9288 3107  
email: [rose.owen@news.com.au](mailto: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:  
  
Limited free entry to a specified production of the Wicked! Stage show in Sydney on Sunday, 14 December 2014 as described below in paragraph 2(b).
- (b) Description of the conduct or proposed conduct:  
  
The Gordon/ Frost Organisation Pty Ltd proposes to provide a free double pass to a limited number of people to a specified production of the Wicked! Stage show in Sydney on condition that the person attends the venue on that day by a particular time, is in the first stated number to attend and on condition that they present an original coupon from that day's The Sunday Telegraph.  
  
There will be a limit of one coupon per person.

The Gordon/Frost Organisation Pty Ltd will be able to refuse to supply the free double pass to persons who do not present an original coupon from that day's The Sunday Telegraph.

The Gordon/ Frost Organisation Pty Ltd will not make the same offer in another publication or online media at the same time.

**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:  
Current and future readers of The Sunday Telegraph.
- (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**

There are a number of significant public benefits which result from the proposed conduct:

- (a) a limited number of customers will be offered two free general admission tickets;
- (b) the discount may encourage competitors of The Sunday Telegraph, including other newspapers, magazines and online media, to offer customers similar promotions;  
and
- (c) competitors of The Gordon/ Frost Organisation Ltd Pty may be encouraged to offer customers discounts through The Sunday Telegraph as well as other newspapers, magazines or in store.

**5. Market definition**

It is not necessary to precisely define the applicable relevant markets affected as even in the narrowest potential market, the notified conduct will not result in any lessening of competition.

**(i) The supply of newspapers**

Even if the market is narrowly defined as the NSW market for the supply of metropolitan newspapers, the Applicant submits that the discount program would not lessen competition in the narrower market.

**(ii) The supply of theatre event tickets**

Even if the market is narrowly defined as the Sydney market for tickets to attend Theatrical productions, the Applicant submits that the discount offered would not lessen competition in that market.

**6. Public detriments**

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

- Members of the public would be under no obligation to accept the offer from The Gordon/ Frost Organisation Pty Ltd.
- The general public would be free to acquire tickets from The Gordon/ Frost Organisation Pty Ltd without any obligation to acquire The Sunday Telegraph.

Many advertisers promote their products through coupons or promotions offered in newspapers, magazines and online media to increase awareness of new products or encourage general brand awareness and loyalty.

Many printed newspapers, magazines and online media services in Australia offer discount coupons or promotions to third parties' goods and services. This is to encourage loyalty to the publication or online service by customers and advertisers and increases competition between newspapers, media and online media services.

The notified conduct would have no appreciable effect on competition between providers of news and information services.

The notified conduct would have no appreciable effect on competition between providers of theatrical events for spectators.

**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  
email: [rose.owen@news.com.au](mailto:rose.owen@news.com.au)

Dated 26 November 2014

Signed by/on behalf of the applicant

  
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ROSE ANNE OWEN  
NEWS LIMITED  
GENERAL COUNSEL

## DIRECTIONS

8. 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.
9. 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.
10. Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
11. 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.
12. Describe the business or consumers likely to be affected by the conduct.
13. 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.
14. 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.
15. 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.
16. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.



MARKETING & ADVERTISING  
LEVEL 1, 285 GEORGE STREET SYDNEY NSW 2000 AUSTRALIA T: +61 2 8218 3600 F: +61 2 8218 3611  
PO BOX H131, AUSTRALIA SQUARE POST SHOP SYDNEY NSW 1215

Attention: Rose Owen  
General Counsel  
Nationwide News Pty Ltd  
2 Holt Street Surry Hills NSW 2010

In relation to our confirmation to participate in a joint promotion in relation to the production of Wicked! organised and promoted by us, we understand that Nationwide News Pty Ltd will be notifying the Australian Competition and Consumer Commission (ACCC) on behalf The Gordon/Frost Organisation Pty Ltd to seek immunity in relation to potential third line forcing conduct.

We further acknowledge and agree that the proposed campaign and The Gordon/Frost Organisation Pty Ltd participation in it is subject to gaining immunity from prosecution for third line forcing.

As part of the submission to the ACCC for this purpose, we confirm the following details:

Business Details: **The Gordon/Frost Organisation Pty Ltd**  
**PO Box 20079, World Square, NSW 2002, Australia**  
**ABN: 87 002 552 801**

Product/range: The Gordon/ Frost Organisation Pty Ltd proposes to provide free double passes to a limited number of people for a specified production of the Wicked! Stage show in Sydney.

Offer Details: On Sunday 14 December the first 250 people to arrive (and be in line) at The Capitol Theatre, 13 Campbell St, Haymarket, NSW 2000, with an original coupon from that days The Sunday Telegraph will be provided with a free double pass to that day's 3.00pm performance.

Coverage: NSW/ ACT

The Gordon/Frost Organisation Pty Ltd authorises Nationwide News Pty Ltd to lodge a notification with the ACCC on behalf The Gordon/Frost Organisation Pty Ltd in respect of the promotional campaign described above and authorises Nationwide News Pty Ltd to deal with any queries from the ACCC on its behalf.

Signature Bey  
As an authorised representative for and on behalf of The Gordon/Frost Organisation Pty Ltd  
Name Bianca Oram  
Title Account Director  
Date 26/11/14

~~The content of this document is confidential and legally privileged.~~