

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:
N98004 **Merlin Entertainments (Australia) Pty Ltd**
1-5 Wheat Road, Sydney, NSW, 2000, Australia
ABN: 147 624 557
- (b) Short description of business carried on by that person:
Operates 90 visitor attractions worldwide including eleven attractions & two ski resorts in Australia and New Zealand.
- (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

2. Notified Arrangement

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

Merlin Entertainment Group proposes to provide free or discounted tickets to various of its attractions as described below in paragraph 2(b).
- (b) Description of the conduct or proposed conduct:

Merlin Entertainment (Australia) Pty Ltd proposes to provide free or discounted tickets to various attractions in NSW on condition that the free or discounted tickets will only be available on presentation of an original coupon from the Daily Telegraph/Sunday Telegraph (the **Relevant Newspaper**).

Merlin Entertainment (Australia) Pty Ltd will be able to refuse to supply the free or discounted tickets on the basis that the person seeking such free or discounted ticket does not have an original coupon from the Relevant Newspaper.

The promotional offers are exclusive to the Relevant Newspaper in that Merlin Entertainment (Australia) 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 people purchasing tickets for the relevant attractions.
- (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) customers will be offered a free or discounted ticket when they present an original coupon from the Relevant Newspaper;
- (b) the discount may encourage competitors of the Relevant Newspapers, including other newspapers, magazines and online media, to offer customers similar promotions; and
- (c) competitors of Merlin Entertainment (Australia) Pty Ltd may be encouraged to offer customers discounts through the Relevant Newspapers as well as other newspapers or magazines.

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 family entertainment & visitor attractions

Even if the market is narrowly defined as the NSW market for family entertainment & visitor attractions, 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 Merlin Entertainment (Australia) Pty Ltd.
- The general public would be free to acquire services from Merlin Entertainment (Australia) Pty Ltd without any obligation to acquire any Relevant Newspapers.

Many advertisers promote their products through coupons or promotions offered in newspapers, magazine 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.


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

Dated 27. 11. 14

Signed by/on behalf of the applicant



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(Signature)

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.