

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:
N97262 Moonee Valley Racing Club T/A Moonee Valley Racing Club
Gate 1, McPherson Street,
Moonee Ponds Vic 3039
ABN: **45 806 588 917**
- (b) Short description of business carried on by that person:
Promotion of horse racing as a sport (for participants and spectators) in Victoria.
- (c) Address in Australia for service of documents on that person in relation to this matter:

c/- Louise Le Grice
General Counsel
Herald & Weekly Times Pty Limited (**HWT**)

40 City Road
SouthbankVIC 3006
Phone: 03 9292 1137
email: Louise.legrice@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:

Moonee Valley Racing Club proposes to provide HWT with 2,000 complimentary tickets to the March 21, 2014 Group 1 Hacer William Reid Stakes race meeting at Moonee Valley Racing Club as described below in paragraph 2(b).
- (b) Description of the conduct or proposed conduct:

Moonee Valley Racing Club proposes to provide 2,000 complimentary tickets as described below.

At the Moonee Valley Racing Club – Group 1 Hacer William Reid Stakes race meeting on 21 March 2014, the first 2,000 people to redeem a valid coupon will receive free entry to the William Read Stakes race meeting.

On this occasion, the free ticket will only be available on presentation of an original coupon from the Herald Sun (the **Relevant Newspaper**). The ticket will only be available on the specified date with coupons from that day's Relevant Newspaper. There will be a limit of one voucher per person.

The promotional offers are exclusive to the Relevant Newspaper in that Moonee Valley Racing Club 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 Herald Sun.
- (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 ticket to the Moonee Valley Racing Club – Group 1 Hacer William Reid Stakes race meeting on March 21, 2014;
- (b) the discount may encourage competitors of the Herald Sun, including other newspapers, magazines and online media, to offer customers similar promotions; and
- (c) competitors of Moonee Valley Racing Club may be encouraged to offer customers discounts through the Herald Sun 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 VIC 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 sporting event attendance**

Even if the market is narrowly defined as the Melbourne market for sporting events, 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 Moonee Valley Racing Club.
- The general public would be free to acquire services from Moonee Valley Racing Club without any obligation to acquire The Herald Sun.

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.

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

7. **Further Information**

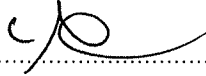
- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

c/- Louise Le Grice
General Counsel
Herald & Weekly Times Pty Limited (**HWT**)
40 City Road, Southbank Melbourne City 3006

Email: louise.legrice@news.com.au
Phone: 03 9292 1137

Dated 25 February 2014

Signed by/on behalf of the applicant



.....
(Signature)

Louise Le Grice

..... LOUISE LE GRICE

(Full Name)

The Herald & Weekly Times Pty Limited

.....
(Organisation)

General Counsel

.....
(Position in Organisation)

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.