



**Australian
Competition &
Consumer
Commission**

Our Ref: 53969
Contact Officer: Hannah Ransom
Contact Number: (02) 6243 1255

GPO Box 3131
Canberra ACT 2601

28 February 2014

23 Marcus Clarke Street
Canberra ACT 2601

Ms Louise Le Grice
General Counsel
The Herald & Weekly Times Pty Ltd

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By email: louise.legrice@news.com.au

Dear Ms Le Grice

Third line forcing notification N97262 lodged by Moonee Valley Racing Club

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 25 February 2014. The notification has been placed on the ACCC's public register.

Moonee Valley Racing Club proposes to offer a complimentary ticket to the Group 1 Haver William Reid Stakes race meeting on 21 March 2014, to the first 2000 customers that purchase that day's Herald Sun newspaper and present a coupon from it.

I note at 2(b) on your Form G, you stated "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". To the extent that this describes exclusive dealing conduct other than third line forcing, I would note that the above notification does not provide immunity for such conduct.

Legal protection conferred by the notification will commence on 11 March 2014.

On the basis of the information that you have provided it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the legal protection provided by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that Moonee Valley Racing Club and the Herald Sun will disclose all relevant terms and conditions to prospective customers.

Public register exclusion request

I have considered Moonee Valley Racing Club's request that its letter consenting to The Herald & Weekly Times notifying on their behalf be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 95 of the Competition and Consumer Act 2010 (the Act) to place documents provided to it in relation to a notification on the ACCC's public register. The Act provides that a person submitting a document in relation to a notification may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the letter will not be placed on the public register.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Hannah Ransom on (02) 6243 1255.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch