



14 March 2014

General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
Level 35, The Tower  
360 Elizabeth Street  
Melbourne Central  
Melbourne Vic 3000

By Email: [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)

Dear Sir or Madam

**Potential Third Line Forcing Conduct – Form G Notification**

We enclose a Form G Exclusive Dealing Notification in relation to potential third line forcing conduct by the Brisbane Bears-Fitzroy Football Club Limited, trading as the Brisbane Lions Australian Football Club (**BLFC**) under the *Competition and Consumer Act 2010* (Cth) (**Act**). The Herald and Weekly Times Pty Ltd has received written authorisation to lodge this notification on behalf of the BLFC.

The applicant submits that the Proposed Conduct will not result in any public detriment at all. Further, to the extent that public detriment may be taken to arise, the applicant submits that the public benefits arising from the Proposed Conduct far outweigh any detriments that may arise.

Please do not hesitate to contact the writer if you have any queries, or wish to discuss any aspect of this matter on (03) 9292 1013 or by email at [toby.moritz@news.com.au](mailto:toby.moritz@news.com.au).

Yours faithfully

A blue ink handwritten signature of Toby Moritz is written over the text 'Yours faithfully'. The signature is stylized and loops around the text.

**Toby Moritz**  
Lawyer

## 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 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:

N97320

Brisbane Bears-Fitzroy Football Club Limited, trading as the Brisbane Lions  
Australian Football Club  
Gate 2, Level 5, the Hyundai Centre, 812 Stanley Street  
Woolloongabba Queensland 4102 (**BLFC**)

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

The operation of an Australian Rules football club.

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

c/- Toby Moritz  
Herald & Weekly Times Pty Ltd  
40 City Road Southbank  
Victoria 3006  
Telephone: (03) 9292 1013  
Email: [toby.moritz@news.com.au](mailto:toby.moritz@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:

Tickets for an Australian Football League match between the "Brisbane Lions" and the "Geelong Cats", to be held at "The Gabba" football stadium, Brisbane, on 30 March 2014 (**Football Match**).

(b) Description of the conduct or proposed conduct:

BLFC proposes to make 8,000 complimentary tickets to the Football Match available, on the terms described below (**Free Tickets**).

The BLFC proposes to make the Free Tickets available at ticket offices located at the Gabba Stadium, Vulture Street, Woolloongabba Queensland on Sunday, on 30 March 2014, on the following terms:

- i. The Free Tickets will only be made available to be used by children of no more than 15 years of age who are accompanied by one or more adults who purchase a full-priced ticket for the Football Match.
- ii. The full-priced ticket purchased by the accompanying adult must be in one of the following categories: "Standard"; "Prime" or "Premium", all of which entitle the ticket holder to a reserved seat. The Free Ticket will correspond with the category of full-priced ticket purchased.
- iii. The Free Tickets will only be available upon presentation of an original "Front Page Ticket" coupon taken from the front page of The Courier Mail newspaper, published on Saturday, 29 March 2014.
- iv. The Free Tickets will be available on a "first come first served" basis until the 8,000 allocation is reached.

**(Proposed Conduct)**

**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:

Prospective attendees at the Football Match.

Current and prospective purchasers of The Courier Mail newspaper.

- (b) Number of those persons:

- (i) At present time:

A portion of the prospective attendees at the Football Match – 8,000.

Current and prospective purchasers of The Courier Mail newspaper – more than 50.

- (ii) Estimated within the next year:

N/A

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

N/A

**4. Public benefit claims**

- (a) Arguments in support of notification:

There are a number of significant public benefits which will flow from the Proposed Conduct. For instance:

- i. 8,000 children will be able to attend the Football Match for free.
- ii. Adults will have the opportunity to take children to the Football Match, relieved of the cost burden of doing so. This may allow children to attend and enjoy the Football Match, who may otherwise have been unable to do so for financial reasons.
- iii. The promotion may encourage the operators of other sporting or cultural events to engage in similar promotions, thus benefitting consumers.

- iv. The promotion may encourage competitors of The Courier Mail to engage in similar promotions, thus benefitting consumers.

**5. Market definition**

**Sporting Events**

The market for public attendees at sporting events in Brisbane.

**Newspapers in Queensland**

The consumer market for newspapers in Brisbane.

**6. Public detriments**

- (a) The Proposed Conduct will not result in any public detriment, much less any public detriment that outweighs the public benefits from the Proposed Conduct.

The Proposed Conduct will not have any material anti-competitive effect in either of the markets identified for the following reasons:

- i. The consumers most likely to take advantage of Free Tickets are those who intend to attend the Football Match in any event, either with or without a child accompanying them. The Proposed Conduct is therefore unlikely to result in fewer attendees at other sporting events in Brisbane.
- ii. Neither BLFC members, The Courier Mail readers, nor any member of the public will be under any obligation to either buy The Courier Mail, or attend the Football Match.
- iii. Attendees of the Football Match will suffer no detriment if they do not obtain Free Tickets. The price of tickets sold to consumers who do not take part in the promotion will not be affected by the Proposed Conduct.
- iv. Attendees of the Football Match will not be required to buy The Courier Mail.
- v. Many sport-related organisations and other organisations promote their business through coupons or promotional offers which are available via newspapers, magazines and online media for various reasons – for instance, to increase awareness or new products, to encourage brand awareness and loyalty and to create or enhance a customer base. The Proposed Conduct is not novel and is uncontroversial.
- vi. Many newspapers, magazines and online media organisations offer discount coupons or promotions for goods and/or services offered by third parties. They do so for various reasons – for instance, to increase awareness or new products, to encourage brand awareness and loyalty and to create or enhance a customer base.

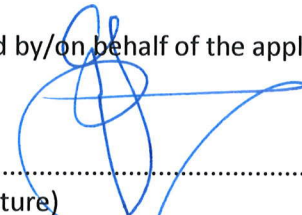
**7. Further information**

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

c/- Toby Moritz  
Herald & Weekly Times Pty Ltd  
40 City Road Southbank  
Victoria 3006  
Telephone: (03) 9292 1013  
Email: toby.moritz@news.com.au

Dated..... 14 MARCH 2014 .....

Signed by/on behalf of the applicant

  
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(Signature)  
..... TOBY PAUL MORITZ .....

(Full Name)  
..... HERALD & WEEKLY TIMES P/L .....

(Organisation)  
..... LAWYER .....

(Position in Organisation)