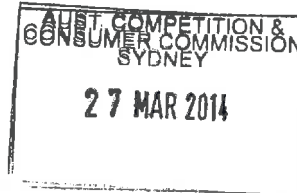


Partner Paul McLachlan
Direct line 02 9270 8606
Email pmdlachlan@mccullough.com.au
Our reference PDM:161402-111

27 March 2014

General Manager
Adjudication Branch
Australian Competition & Consumer Commission
Level 20
175 Pitt Street
SYDNEY NSW 2000



Deliver

Dear Sir/Madam

Telstra Corporation Limited – Notification of exclusive dealing

We **attach** for lodgement an exclusive dealing notification relating to third line forcing conduct on behalf of Telstra Corporation Limited together with a cheque for the applicable lodgement fee of \$100.

Please contact us if you have any queries or comments.

Yours sincerely



Paul McLachlan
Partner

attachment
28803905v1

BRISBANE Level 11, 66 Eagle Street Brisbane QLD 4000 GPO Box 1855 Brisbane QLD 4001 **T** +61 7 3233 8888 **F** +61 7 3229 9949
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Sean Robertson
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John Kettle
Mark West
Matthew Burgess
Timothy Longwill
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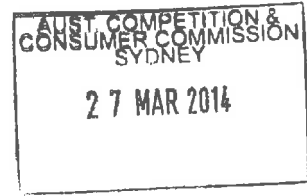
Patrick Holland
Trudy Naylor
Russell Thirgood
Derek Pocock
Reece Walker
Kristan Conlon
Darren White

Kristen Podagiel
David Marschke
Tim Wiedman
Michael Rochester
Hayden Bentley
Scott Butler
Matt Bradbury

Scott Whitla
Jeremy Kennedy
Paul McLachlan
Heather Watson
Cameron Dean
Troy Webb
Brendan Tobin

Michael Moy
Tim Hanmore
Brett Hawkins
Tim Sayer
Oliver Talbot
Peter Stokes
Isaac West

Tim Case
Samantha Daly
Duncan Bedford
Sarah Blakelock



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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) **Name of person giving notice:**
(Refer to direction 2)

N97336 Telstra Corporation Limited (ABN 33 051 775 556) (**Telstra**)

- (b) **Short description of business carried on by that person:**
(Refer to direction 3)

Telstra provides a wide range of telecommunications and information services including fixed line services, mobile services, internet services and media content delivery services.

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

C/- Mr Paul McLachlan
Partner
McCullough Robertson Lawyers
Level 16
55 Hunter Street
Sydney NSW 2000

2. Notified arrangement

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

Telstra supplies telecommunications and information services including fixed voice services, mobile services, internet services and media content delivery services (**Telstra Services**) to customers in Australia (**Telstra Customers**).

Ticketmaster Australasia Pty Limited, Ticketek Pty Ltd and PROticket Pty Ltd (**Ticketing Agents**) sell tickets to live and sporting events to customers in Australia, including discounted tickets to particular sporting events, upgrades and bonuses for tickets to particular sporting events and other

benefits relating to attendance at particular sporting events (**Telstra Thanks Sports Offers**) to Telstra Customers from time to time (see, for example, Notifications of Exclusive Dealing N97068, N97226, N97227).

Telstra provides Telstra Customers from time to time with the benefit of entry into promotional games and the chance to win prizes (**Competition Entry**).

(b) Description of the conduct or proposed conduct:

(Refer to direction 4)

Telstra proposes to offer Competition Entry from time to time to Telstra Customers who purchase Telstra Thanks Sports Offers from one of the Ticketing Agents.

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:

(Refer to direction 5)

All Telstra Customers.

(b) Number of those persons:

(i) At present time:

All Telstra Customers will be affected by the proposed conduct. There will be approximately 8,000,000 Telstra Customers potentially eligible to receive Competition Entry.

(ii) Estimated within the next year:

(Refer to direction 6)

All Telstra Customers will be affected by the proposed conduct. There will be approximately 8,000,000 Telstra Customers.

(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

(a) Arguments in support of notification:

(Refer to direction 7)

The benefits of the conduct in 2(b) are:

- (i) the conduct will promote awareness of and take up of the Telstra Thanks Sports Offers;

- (ii) Telstra Customers who take advantage of the conduct will receive the particular Telstra Thanks Sports Offer required for eligibility for the particular Competition Entry as well as a chance to win prizes from Telstra;
- (iii) by increasing awareness of and takeup of the Telstra Thanks Sports Offers, the conduct may increase competition in the supply of tickets to sporting events by making attendance at eligible sporting events in Australia more competitive while Telstra is offering Competition Entry and may lead other providers of tickets to sporting events to make similar offers; and
- (iv) by increasing awareness of and takeup of the Telstra Thanks Sports Offers, the conduct may increase competition in the supply of telecommunications and information services by making Telstra Services more competitive during the promotion period and may lead other providers of telecommunications and information services to make similar offers.

The conduct in 2(b) will not decrease competition because:

- (i) Telstra Customers are not required to pay anything (other than the normal price of Telstra Services and the normal price of the Telstra Thanks Sports Offers) to receive a Competition Entry;
- (ii) Telstra is free to offer other similar competitions through different channels and is not restricted from entering into similar competitions with other providers; and
- (iii) take-up of the offer is optional and Telstra Customers are not compelled to take up the offer, but can choose other providers of tickets to live and sporting events if they so wish (at their normal price).

For these reasons (and the reasons provided below in 6(b)), it is submitted that the conduct outlined above will result in no detriment to the public. Any detriment will be substantially outweighed by the benefits to the public as described above.

(b) Facts and evidence relied upon in support of these claims:

None in addition to those facts already described above.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or

acquisition of the relevant goods or services (for example geographic or legal restrictions):

(Refer to direction 8)

The goods and services described at 2(a) may be supplied in a range of markets. Markets that may be affected include the markets in which the following services are supplied:

- a) Australia wide markets for telecommunications, including mobile services, fixed-line services and broadband services; and
- b) Australia wide markets for tickets to live and sporting events.

6. Public detriments

- (a) **Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:**

(Refer to direction 9)

There is no public detriment as a result of the notified conduct.

The notified conduct is not likely to increase the prices of the goods and services described at 2(a) above or prices in other markets.

- (b) **Facts and evidence relevant to these detriments:**

The proposed conduct does not require Telstra Customers to acquire multiple services from Telstra in order to receive a benefit. A Telstra Customer who acquires one Telstra Service from Telstra and one Telstra Thanks Sports Offers from one of the Ticketing Agents will receive a Competition Entry as part of any promotion Telstra conducts from time to time even if the Telstra Customer does not acquire other Telstra Services.

The proposed conduct will not prevent competitors from competing effectively. The proposed maximum benefits are modest and competitors will likely be able to match or better them.

Consumers may acquire the relevant products and services from a range of other suppliers.

Telstra Customers who purchase Telstra Thanks Sports Offers are free to purchase tickets to live and sporting events in Australia at the usual price.

Telstra Customers who purchase Telstra Thanks Sports Offers are not prevented from purchasing tickets to sporting events from ticketing agents other than the Ticketing Agents.

Other members of the public (i.e. ticket purchasers who do not take advantage of the promotion) will not be materially affected by this

arrangement as they are free to purchase tickets to live and sporting events in the normal manner and at the usual price.

The proposed conduct will likely have little or no effect on the prices of the Telstra Services or tickets to sporting events in Australia generally. However, the proposed conduct may increase competition in the relevant markets described in clause 5.

7. Further information

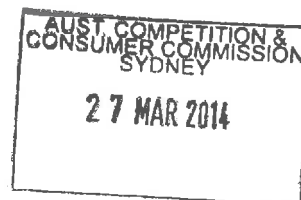
- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:**

Mr Paul McLachlan
Partner
McCullough Robertson Lawyers
Level 16
55 Hunter Street
Sydney NSW 2000
Telephone: (02) 9270 8600
Fax: (02) 9270 8699
Email: pmclachlan@mccullough.com.au

Dated..... 27 March 2014

Signed on behalf of the applicant

.....
(Signature)



Paul McLachlan
Partner
McCullough Robertson

DIRECTIONS

1. 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.

2. 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.
3. Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. 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.
5. Describe the business or consumers likely to be affected by the conduct.
6. 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.
7. 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.
8. Provide details of the market(s) likely to be affected 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.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.