

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)

N97470 Ticketek Pty Limited ABN 92 010 129 110

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

Ticketek provides ticketing services to venues and promoters across Australia

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

Level 19, 66-68 Goulburn St, 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:

Tickets to events such as shows, concerts, musical theatre, sporting events and other performances.

- (b) Description of the conduct or proposed conduct:

Ticketek proposes to;

- Give or allow, or offer to give or allow, exclusive ticket pre-sale periods and discounted ticket offers for Telstra Corporation Limited (“Telstra”) customers to purchase tickets for certain events from Ticketek between a nominated start and finish date
- Refuse to give or allow, or offer to give or allow, a customer to purchase tickets for certain events during the applicable pre-sale window or at the discounted price from Ticketek between the nominated start and finish date, because the customer is not a Telstra customer.

In relation to each offer made by Ticketek to Telstra customers, there will be a restriction in place so that no more than 40% of the tickets will be made available to Telstra customers in a presale or discounted price offer.

This restriction will not apply to events that are promoted or specially arranged by Telstra. For such events, Ticketek may offer all tickets to the event to Telstra customers.

There is an argument (not necessarily accepted by Ticketek) that the proposed conduct may amount to a contravention of sections 47(6) and/or 47(7) of the *Competition and Consumer Act 2010 (CCA)*. This is because it may be argued that tickets will only be sold to consumers during the exclusive pre-sale window or at the discounted price (as applicable) if the consumers acquire the services of Telstra. Out of an abundance of caution, Ticketek wishes to notify the conduct under section 93(1) of the CCA.

(Refer to direction 4)

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)

Persons who from time to time are Telstra customers

- (b) Number of those persons:

- (i) At present time:

Substantially more than 50

- (ii) Estimated within the next year:

(Refer to direction 6)

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

- (a) Arguments in support of notification:

The proposed exclusive pre-sale periods and access to discounted ticket offers allows Telstra customers access to tickets between a nominated start and finish date or to an allocation of discounted tickets between a nominated start and finish date.

The number of tickets sold to Telstra customers during the pre-sale window will be capped at a maximum of 40% of the total inventory across the relevant event/tour; and for discounted ticket offer period will be a relatively small percentage of total inventory. Members of the general public will have access to the tickets to these events via the Ticketek network after the presale period ends. The restrictions on the percentage of tickets made available for pre-sales and discount periods ensure access to tickets by the general public.

The proposed conduct will benefit the public by promoting competition in the markets in which Telstra products are supplied as it will encourage competitors of Telstra to procure similar benefits for their customers.

Part of attracting wide audiences to large sporting matches and live entertainment events, and ensuring the continued viability of these types of events is providing a range of value propositions to customers. Therefore these types of offers (pre-sale and discounted) are intended to attract more people to attend live events, contributing to the continued viability of those events.

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

The proposed conduct benefits Telstra customers who choose to take advantage of an offer, by enabling them to purchase tickets to a particular event and to take advantage of exclusive offers by Ticketek to Telstra customers. The proposed conducts does not compel Telstra customers to purchase tickets through Ticketek or to buy any tickets at all.

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):

For the purpose of this notification only, the relevant markets are those in which:

- tickets to live entertainment and sporting events in are supplied in Australia; and
- online content and telecommunications products and services are supplied in Australia.

Competition in both these markets is vigorous and there are other competitors in each of these markets that compete for business.

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)

It is submitted that there is no known detriment to the public as a result of the proposed conduct. Telstra customers are free to choose whether or not to take advantage of the pre-sale or discounted ticket offers during the relevant periods.

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

The proposed conduct will provide Telstra customers with a benefit if they choose to take advantage of the offers. They are not obliged to purchase any tickets to the events the subject of such offers. The general public who are not Telstra customers will have access to tickets to the events outside of the exclusive pre-sale or discounted ticket offer windows.

7. Further information

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

Kate Cooper
General Counsel
Level 19, 66-68 Goulburn St
Sydney, 2000
NSW Australia

Dated..... 30 May 2014

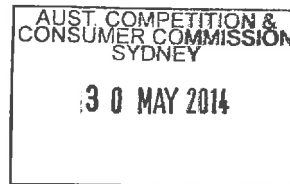
Signed by/on behalf of the applicant

.....
(Signature) K Cooper

.....
(Full Name) Kate Cooper

.....
(Organisation) Ticketek Pty Limited

.....
(Position in Organisation) General Counsel



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 the 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.