

# 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:

N97489

Unique Tents Pty Ltd and The Event Touring Company Pty Ltd  
t/a Dinosaurs Touring  
121 Emmeline Drive, Gisborne, VIC, 3437  
ABN 90 040 904 165

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

Promotion of an exhibition known as "Dinosaur Adventures" as an entertainment/educational event in Victoria.

(c) Address in Australia for service of documents on that person in relation to this matter:

c/- Toby Moritz  
Lawyer  
Herald & Weekly Times Pty Limited  
40 City Road, Southbank  
MELBOURNE VIC 3006  
Email: toby.moritz@news.com.au  
Phone: 03 9292 1013

### 2. Notified Arrangement

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

Tickets to an event to be held on 27 June 2014 at Caulfield Racecourse (**Event**) as described below in paragraph 2(b).

(b) Description of the conduct or proposed conduct:

The Applicant proposes to make 1,000 complimentary tickets available to the Event, on the terms described below (**Free Tickets**).

The Applicant proposes to make the Free Tickets available on 27 June 2014, on the following terms:

- i. Free Tickets will only be available on presentation of an original coupon from the Herald Sun newspaper published on 27 June 2014 (**Relevant Newspaper**).
- ii. Free Tickets will only be available on 27 June 2014.
- iii. The first 1,000 people to redeem a valid coupon will receive free entry to the Event.
- iv. There will be a limit of one Free Ticket per person.
- v. There will only be 1,000 Free Tickets made available and they will be made available on a "first come, first served" basis.
- vi. The promotional offer is exclusive to the Relevant Newspaper in that the Applicant will not make the same offer in another publication or online media at the same time.

**(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 of the Event.  
 Current and prospective purchasers of the Herald Sun newspaper (hard copy).
- (b) Number of those Persons:
  - (i) At present time:  
 In each case, substantially 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:  
 Not applicable

**4. Public benefit claims**

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

- (a) up to 1,000 people will be able to attend the Event on 27 June 2014 for free;
- (b) the discount may encourage competitors of the Herald Sun (including other newspapers, magazines and online media) to offer customers similar promotions, thus benefitting consumers; and

- (c) the promotion may encourage the operators of other events which are in the same market as or compete with the Event to engage in similar promotions, thus benefitting consumers.

## 5. Market definition

Whilst on one view, it is not necessary to precisely define the markets affected (as even in the narrowest potential market, the Proposed Conduct will not result in any lessening of competition) we nevertheless offer the following market definitions.

(i) **The supply of newspapers**

The consumer market for newspapers in Victoria.

(ii) **The supply of event attendance**

The market for public attendees at major public events in Victoria.

## 6. Public detriments

The Proposed 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 the Applicant.
- The general public would be free to acquire services from the Applicant without any obligation to purchase the Herald Sun newspaper.
- 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 Proposed Conduct would have no appreciable effect on competition between providers of news and information services.
- The Proposed Conduct would have no appreciable effect on competition between promoters of major events for spectators in Melbourne.

## 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

Lawyer

Herald & Weekly Times Pty Limited

40 City Road, Southbank

MELBOURNE VIC 3006

Email: toby.moritz@news.com.au

Phone:03 9292 1013

Dated 12 JUNE 2014

Signed by/on behalf of the Applicant



(Signature)

TOBY PAUL MORITZ

(Full Name)

THE HERALD & WEEKLY TIMES P/L

(Organisation)

LAWYER

(Position in Organisation)

## 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 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.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.