

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)

N98493 Optus Mobile Pty Limited (ACN 054 365 696), referred to in this document as “Optus”.

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

Optus supplies a wide range of telecommunications and information services, including fixed line, mobile (pre-paid and post-paid) and internet services.

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

Jakob Vujcic
Assistant General Counsel, Compliance
Optus
1 Lyonpark Road, Macquarie Park, NSW, 2113
Tel: (02) 8082 5634

2. Notified arrangement

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

The supply of telecommunications services by Optus.

The acquisition of online accommodation booking services from Airbnb Ireland (incorporated in Ireland with registered company number 511825), referred to in this document as “**Airbnb**”.

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

Optus proposes to:

- offer particular customers the opportunity to receive benefits/discounts on Optus services where the customer has acquired particular services from Airbnb; and
- refuse to supply, or offer to supply, those same benefits/discounts where the customer has not acquired the relevant services from Airbnb.

The specific offer being proposed (for the purposes of this notification) is as follows:

Optus Outbound Prepaid SIM Offer

Optus will offer a free \$30 prepaid SIM (ie., the SIM is preloaded with \$30 credit) to customers of Airbnb, residing in Australia, that book a stay at an Airbnb property located outside Australia (ie., Airbnb outbound guests). The free \$30 prepaid SIM must be claimed by the customer online (whereupon it will be sent by Optus to the customer at no charge), or picked up by the customer at an Optus store, before the customer commences their overseas travel.

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)

Airbnb outbound guests that wish to claim a free Optus \$30 prepaid SIM.

- (b) Number of those persons:

(i) At present;

Nil

(ii) Estimated within the next year:
(Refer to direction 6)

Substantially greater 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:
(Refer to direction 7)

- (i) The proposed conduct will provide the following benefits to the public:
 - it will provide Airbnb customers with opportunities to obtain discounts / rebates / bonus inclusions on eligible Optus services;
 - it will not result in increased prices to consumers for Optus services
 - it will not restrict the ability of consumers to purchase Optus services
 - it will encourage competitors in the marketplace to make similar offers available to consumers.

 - (ii) The proposed conduct will not have anti-competitive detrimental effect on consumers as there are numerous suppliers of telecommunications and internet services in the marketplace and consumers are free to obtain these services from Optus or these other suppliers without becoming a customer of Airbnb.
- (b) Facts and evidence relied upon in support of these claims:
- (i) The offer to Airbnb customers is limited in scope – in terms of both the Optus products it covers and the specific discounts/rebates/bonus inclusions available.
 - (ii) There are numerous suppliers of telecommunications and internet services in the marketplace and consumers are free to obtain these services from Optus or other suppliers without becoming a customer of Airbnb.

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 relevant markets are (i) the Australian market for the retail supply of telecommunication and internet services, and (ii) the market for online accommodation booking services.

These markets are characterised by the presence of vigorous and effective competition amongst competitors.

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)

Optus does not consider there to be any public detriment arising from the conduct for the following reasons:

- Eligible customers will have the opportunity to obtain discounts on eligible Optus services;
 - There will be no increase in prices to consumers for Optus services;
 - It will not restrict the ability of consumers to purchase Optus services;
 - There is no detriment to a customer in failing to take up an offer other than not receiving the benefit of that offer;
 - The offer will run for a limited period.
 - Competition will be enhanced by encouraging competitors in the marketplace to make similar offers available to consumers.
 - Customers who do not wish to acquire a prepaid SIM from Optus have a broad range of other services providers that provide equivalent services.
- (b) Facts and evidence relevant to these detriments:

For the reasons set out in 6(a), Optus is of the view that there is no detriment to the public that results from the proposed conduct. However, even if this is not the case, Optus considers that the benefits of the proposed conduct outweigh any possible anti-competitive detriment.

7. Further information

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

Jakob Vujcic
Assistant General Counsel, Compliance
Optus
1 Lyonpark Road, Macquarie Park, NSW, 2113
Tel: (02) 8082 5634

Dated..... 14 August 2015

Signed ~~by~~/on behalf of the applicant

.....
(Signature)

.....
(Full Name)

.....
(Organisation)

.....
(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 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.

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)

N98494 Optus Mobile Pty Limited (ACN 054 365 696), referred to in this document as “Optus”.

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

Optus supplies a wide range of telecommunications and information services, including fixed line, mobile (pre-paid and post-paid) and internet services.

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

Jakob Vujcic
Assistant General Counsel, Compliance
Optus
1 Lyonpark Road, Macquarie Park, NSW, 2113
Tel: (02) 8082 5634

2. Notified arrangement

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

The supply of telecommunications services by Optus.

The acquisition of online accommodation booking services from Airbnb Ireland (incorporated in Ireland with registered company number 511825), referred to in this document as “Airbnb”.

(b) Description of the conduct or proposed conduct:

Optus proposes to:

- offer particular customers the opportunity to receive benefits/discounts on Optus services where the customer has acquired particular services from Airbnb; and
- refuse to supply, or offer to supply, those same benefits/discounts where the customer has not acquired the relevant services from Airbnb.

The specific offer being proposed, for the purpose of this notification, is as follows:

Optus Inbound Prepaid SIM Offer

Optus will offer for sale a special Airbnb-Optus branded \$10 prepaid SIM with 20% bonus credit to foreign customers of Airbnb (ie., not residing in Australia) that book a stay at an Airbnb property located in Australia (ie., Airbnb inbound guests). The special prepaid SIM will cost \$10 but will have 20% extra credit (ie., the SIM is preloaded with \$12 credit). It will be available for purchase at Optus airport stores only.

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)

Airbnb inbound guests that wish to purchase a \$10 Optus prepaid SIM with a bonus additional 20% credit.

(b) Number of those persons:

(i) At present;

Nil

(ii) Estimated within the next year:
(Refer to direction 6)

Substantially greater 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:
(Refer to direction 7)
- (i) The proposed conduct will provide the following benefits to the public:
- it will provide Airbnb inbound guests with an opportunity to obtain bonus inclusions on eligible Optus services;
 - it will not result in increased prices to consumers for Optus services
 - it will not restrict the ability of consumers to purchase Optus services
 - it will encourage competitors in the marketplace to make similar offers available to consumers.
- (ii) The proposed conduct will not have anti-competitive detrimental effect on consumers as there are numerous suppliers of telecommunications and internet services in the marketplace and consumers are free to obtain these services from Optus or these other suppliers without becoming a customer of Airbnb.
- (b) Facts and evidence relied upon in support of these claims:
- (i) The offer to Airbnb customers is limited in scope – in terms of both the Optus products it covers and the specific bonus inclusions available.
- (ii) There are numerous suppliers of telecommunications and internet services in the marketplace and consumers are free to obtain these services from Optus or other suppliers without becoming a customer of Airbnb.

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 relevant markets are (i) the Australian market for the retail supply of telecommunication and internet services, and (ii) the market for online accommodation booking services.

These markets are characterised by the presence of vigorous and effective competition amongst competitors.

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)

Optus does not consider there to be any public detriment arising from the conduct for the following reasons:

- Eligible customers will have the opportunity to obtain bonus inclusions on eligible Optus services;
- There will be no increase in prices to consumers for Optus services;
- It will not restrict the ability of consumers to purchase Optus services;
- There is no detriment to a customer in failing to take up an offer other than not receiving the benefit of that offer;
- The offer will run for a limited period.
- Competition will be enhanced by encouraging competitors in the marketplace to make similar offers available to consumers.
- Customers who do not wish to acquire a prepaid SIM from Optus have a broad range of other services providers that provide equivalent services.

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

For the reasons set out in 6(a), Optus is of the view that there is no detriment to the public that results from the proposed conduct. However, even if this is not the case, Optus considers that the benefits of the proposed conduct outweigh any possible anti-competitive detriment.

7. Further information

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

Jakob Vujcic
Assistant General Counsel, Compliance
Optus
1 Lyonpark Road, Macquarie Park, NSW, 2113
Tel: (02) 8082 5634

Dated..... 14 August 2015

Signed by/on behalf of the applicant


.....
(Signature)

Sarah Stone
.....
(Full Name)

Optus
.....
(Organisation)

Corporate Counsel
.....
(Position in Organisation)

DIRECTIONS

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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.

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PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

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

N98495 Optus Mobile Pty Limited (ACN 054 365 696), referred to in this document as “Optus”.

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

Optus supplies a wide range of telecommunications and information services, including fixed line, mobile (pre-paid and post-paid) and internet services.

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

Jakob Vujcic
Assistant General Counsel, Compliance
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1 Lyonpark Road, Macquarie Park, NSW, 2113
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2. Notified arrangement

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

The supply of telecommunications services by Optus.

The acquisition of online accommodation booking services from Airbnb Ireland (incorporated in Ireland with registered company number 511825), referred to in this document as “**Airbnb**”.

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

Optus proposes to:

- offer particular customers the opportunity to receive benefits/discounts on Optus services where the customer has acquired particular services from Airbnb; and
- refuse to supply, or offer to supply, those same benefits/discounts where the customer has not acquired the relevant services from Airbnb.

The specific offer being proposed, for the purpose of this notification, is as follows:

Optus Fixed Offer

Optus will provide a select group of Airbnb customers with a \$125 credit on their Optus account when they sign up to a new Optus fixed phone and internet bundled service. This offer is only available to (i) customers of Airbnb, residing in Australia, that make their accommodation available for rent on Airbnb's website (ie., Airbnb Australian hosts); and (ii) that don't already have a fixed phone/internet bundled service with Optus.

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)

Airbnb Australian hosts that wish to purchase a new Optus fixed phone/internet bundled service and are not already an Optus customer for fixed phone/internet bundled services.

- (b) Number of those persons:

(i) At present;

Nil

(ii) Estimated within the next year:
(Refer to direction 6)

Substantially greater 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:
(Refer to direction 7)
- (i) The proposed conduct will provide the following benefits to the public:
- it will provide Airbnb Australian hosts with an opportunity to obtain a discount/rebate on eligible Optus services;
 - it will not result in increased prices to consumers for Optus services
 - it will not restrict the ability of consumers to purchase Optus services
 - it will encourage competitors in the marketplace to make similar offers available to consumers.
- (ii) The proposed conduct will not have anti-competitive detrimental effect on consumers as there are numerous suppliers of telecommunications and internet services in the marketplace and consumers are free to obtain these services from Optus or these other suppliers without becoming a customer of Airbnb.
- (b) Facts and evidence relied upon in support of these claims:
- (i) The offer to Airbnb customers is limited in scope – in terms of both the Optus products it covers and the specific discounts/rebates available.
- (ii) There are numerous suppliers of telecommunications and internet services in the marketplace and consumers are free to obtain these services from Optus or other suppliers without becoming a customer of Airbnb.

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 relevant markets are (i) the Australian market for the retail supply of telecommunication and internet services, and (ii) the market for online accommodation booking services.

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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)

Optus does not consider there to be any public detriment arising from the conduct for the following reasons:

- Eligible customers will have the opportunity to obtain discounts / rebates on eligible Optus services;
- There will be no increase in prices to consumers for Optus services;
- It will not restrict the ability of consumers to purchase Optus services;
- There is no detriment to a customer in failing to take up an offer other than not receiving the benefit of that offer;
- The offer will run for a limited period.
- Competition will be enhanced by encouraging competitors in the marketplace to make similar offers available to consumers.
- Customers who do not wish to acquire a fixed phone/internet bundled service from Optus have a broad range of other services providers that provide equivalent services.

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

For the reasons set out in 6(a), Optus is of the view that there is no detriment to the public that results from the proposed conduct. However, even if this is not the case, Optus considers that the benefits of the proposed conduct outweigh any possible anti-competitive detriment.

7. Further information

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

Jakob Vujcic
Assistant General Counsel, Compliance
Optus
1 Lyonpark Road, Macquarie Park, NSW, 2113
Tel: (02) 8082 5634

Dated 14 August 2015

Signed by on behalf of the applicant


.....
(Signature)

Sarah Stone
.....
(Full Name)

Optus
.....
(Organisation)

Corporate Counsel
.....
(Position in Organisation)

DIRECTIONS

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