



2 February 2015

**BY EMAIL: adjudication@acc.gov.au**

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

Dear Sir/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 Cricket World Cup 2015 Ltd (**Applicant**) under the *Competition and Consumer Act 2010* (Cth). The Herald and Weekly Times Pty Ltd (**HWT**) has received written authorisation to lodge this Notification on behalf of the Applicant. A copy of that authorisation is also enclosed. We do not oppose the document being placed on the public register.

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 handwritten signature in black ink, appearing to read 'Toby Moritz', is written over a light blue horizontal line.

*per* **Toby Moritz**  
Legal Counsel

Enc.

# 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:

N98108 Cricket World Cup 2015 Ltd ABN 36 162 672 675 (**Applicant**)

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

The Applicant is the local organising committee of the ICC Cricket World Cup 2015 responsible for the organisation and supervision of the tournament in Australia and New Zealand

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

c/- Toby Moritz  
Legal Counsel  
The Herald & Weekly Times Pty Limited  
HWT Tower  
40 City Road, Southbank VIC 3006  
Phone: 03 9292 1013  
email: 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 to cricket matches to be held on the dates and at the locations described in paragraph 2(b) below (**Events**).

(b) Description of the conduct or proposed conduct:

The Applicant proposes to make 1,000 double pass tickets (ie, allowing admission of a maximum of 2,000 people) available to each of the following matches on the terms described below (**Free Tickets**):

i. The Applicant proposes to make the Free Tickets available to the following matches. The Free Tickets will only be available on presentation of an original coupon obtained from the newspaper identified below, to be published on the date identified below:

- a. Sri Lanka v Bangladesh, Melbourne (MCG) - Thursday 26 February (Herald Sun, coupon published on 26 February 2015).
- b. India v UAE, Perth (WACA) - Saturday 28 February (The Sunday Times, coupon published on 22 February 2015)

- c. Sri Lanka v Scotland, Hobart (Bellerive Oval) - Wednesday 11 March (The Mercury, coupon published on 11 March 2015)
  - d. England v Afghanistan, Sydney (SCG) - Friday 13 March (The Daily Telegraph, coupon published on 13 March 2015)
  - e. Pakistan v Ireland, Adelaide (Adelaide Oval) - Sunday 15 March (The Adelaide Advertiser, coupon published on 15 March 2015)
- ii. The Free Tickets will comprise "category C seating" in each venue.
  - iii. There will be a limit of one Free Ticket per person per match.
  - iv. The first 1,000 people to redeem a valid coupon on the day of the match will receive a Free Ticket on a "first come, first served" basis
  - v. The promotional offer is exclusive to the newspapers identified above (**Relevant Newspapers**), 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 Proposed Conduct**

- (a) Class or classes of persons to which the conduct relates:

Prospective attendees of the Events.

Current and prospective purchasers of the Relevant Newspapers (hard copy).

- (b) Number of those Persons:

- (i) At present time:

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:

- (a) up to 2,000 people will be able to attend each of the Events for free;
- (b) the offer may encourage competitors of the Relevant Newspapers, including other newspapers, magazines and online media, to offer their customers and subscribers similar promotions; and
- (c) the promotion may encourage the operators of other events which are in the same market as or compete with the Events to engage in similar promotions, thus benefitting consumers.

## 5. Market definition

Whilst on one view, it is not necessary to precisely define the applicable relevant 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:

- **The supply of newspapers**

The consumer market for newspapers in Victoria, New South Wales, Western Australia, South Australia, Tasmania and Queensland.

- **The supply of event attendance**

The market for public attendance at major sporting events in Victoria, New South Wales, Western Australia, South Australia, Tasmania and Queensland.

## 6. Public detriments

The notified 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 offers from the Applicant.
- The general public would be free to acquire goods or services from the Applicant without any obligation to purchase one of the Relevant Newspapers.
- Many advertisers promote their products through coupons or promotions offered in newspapers, magazines 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 public sporting events in the States in question.


## 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  
Legal Counsel  
HWT Tower  
40 City Road, Southbank VIC 3006  
Phone: 03 9292 1137  
email: toby.moritz@news.com.au

Dated: 2 February 2015

Signed by/on behalf of the Applicant

per  .....

(Signature)

**Toby Paul Moritz**

(Full Name)

**The Herald & Weekly Times Pty Ltd**

(Organisation)

**Legal Counsel**

(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.