

# 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)

N98640

NATIONAL GALLERY OF VICTORIA (NGV)  
.....  
.....  
.....

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

NGV is Australia's oldest public art gallery  
and recognised as having one of the world's  
most important art collections.  
.....  
.....

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

180 ST KILDA RD  
MELBOURNE VIC 3004  
.....  
.....

## 2. Notified arrangement

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

The NGV is offering Telstra customers the  
opportunity to purchase Friday Night  
tickets ahead of the general public.  
.....  
.....

(b) Description of the conduct or proposed conduct:

Telstra customers will have the opportunity  
to purchase NGV Friday Night tickets  
ahead of the general public.

(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)

Telstra customers and the general  
public

(b) Number of those persons:

(i) At present time:

Telstra customers: 5000 estimated  
General public: 10,000 estimated

(ii) Estimated within the next year:

(Refer to direction 6)

SAME NUMBERS AS ABOVE

(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)

CUSTOMERS OF TELSTRA will have the opportunity to purchase tickets ahead of the general public due to its sponsorship support of the NGV.

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

The NGV will be promoting to Telstra's customer base ahead of promotions to the general public.

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 telecommunication market will benefit from the pre-sale period offered to Telstra's customers.  
The art market will benefit by having new audiences attend the 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)

The only detriments to the general public is the delay in being able to access Friday Night tickets by a couple of days.

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

The Telstra customers will have access to purchase tickets four days prior to the general public.

7. Further information

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

KATHERINE CHIEN  
SENIOR COORDINATOR, CORPORATE PARTNERSHIPS  
NATIONAL GALLERY OF VICTORIA

Dated 16 October

Signed by/on behalf of the applicant

Katherine Chien  
(Signature)

KATHERINE CHIEN  
(Full Name)

NATIONAL GALLERY OF VICTORIA  
(Organisation)

SENIOR COORDINATOR, CORPORATE PARTNERSHIPS  
(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.