

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:
N98316 Bralson Pty Ltd T/as Motor Active. ABN: 15 050 094 650
- (b) Short description of business carried on by that person:
Promotor of the MotorEx Event
- (c) Address in Australia for service of documents on that person in relation to this matter:
c/- Rose Owen
General Counsel
News Limited
2 Holt Street
Surry Hills NSW 2010
Phone: 02 9288 3107
email: rose.owen@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:

Applicant will offer to supply tickets on a free or discounted basis to people who have acquired certain digital news services and/or newspapers of News Limited and/or its related bodies corporate (together, News Corp Australia).
- (b) Description of the conduct or proposed conduct:

Applicant will offer to supply free or discounted tickets to people who have acquired certain News Corp Australia digital news services and/or newspapers.

Applicant will be able to refuse to supply to a person the free or discounted tickets unless the person has acquired certain News Corp Australia digital news services and/or newspapers.

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:
News Corp Australia digital news service subscribers and/or newspaper purchasers/subscribers and purchasers of tickets from Applicant.
- (b) Number of those Persons:
- (i) At present time:
Substantially more than 50
- (ii) Estimated within the next year:
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

There are a number of significant public benefits which result from the proposed conduct:

- (a) Certain News Corp Australia digital news subscribers and newspaper purchasers/subscribers can obtain free or discounted goods and services from Applicant;
- (b) The offer may encourage competitors of News Corp Australia, including other newspapers, magazines and online media, to offer their customers and subscribers similar promotions; and
- (c) other competitors of Applicant may be encouraged to offer customer discounts through various newspapers, magazines or other platforms.

5. Market definition

It is not necessary to precisely define the applicable relevant markets affected as even in the narrowest potential market the notified conduct will not result in any lessening of competition.

6. Public detriments

The notified conduct would not result in public detriment, anti-competitive or otherwise, for the following reasons.

- News Corp Australia digital news subscribers and subscribers/purchasers of newspapers would be under no obligation to accept the offers from Applicant;
- The general public would be free to acquire relevant goods or services from Applicant without any obligation to acquire a News Corp Australia news service/product.

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 notified conduct would have no appreciable effect on competition between providers of news and information services.

The notified conduct would have no appreciable effect on competition between organisers of motoring enthusiast events or entertainment events more generally.

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/- Rose Owen
General Counsel
News Limited
2 Holt Street Surry Hills, NSW 2010
Phone: 02 9288 3107
email: rose.owen@news.com.au

Dated: 18.06.2015

Signed by/on behalf of the Applicant


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Rose Anne Owen

News Limited.....

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 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.

MotorActive

Attention: **Rose Owen**
General Counsel Management
News Corp – 2 Holt Street, Surry Hills NSW 2010

In relation to our confirmation to participate in one or more joint promotions organised and promoted by us, we understand that News Limited will be notifying the Australian Competition and Consumer Commission (ACCC) on our behalf to seek immunity in relation to potential third line forcing conduct.

We further acknowledge and agree that the proposed campaign and our participation in it is subject to gaining immunity from prosecution for third line forcing.

As part of the submission to the ACCC for this purpose, we confirm the following details:

Business Details: **Bralson Pty Ltd T/as MotorActive – Promoter of MotorEx**
Unit 35 Slough Business Park,
Holker Street,
Silverwater NSW 2128 NSW Australia
ABN 15 050 094 650

Product/range: **Discount on Tickets to Motorex 2015**

Coverage: **National**

Bralson Pty Ltd T/as MotorActive – Promoter of MotorEx authorises News Limited to lodge a notification with the ACCC on behalf of **Bralson Pty Ltd T/as MotorActive – Promoter of MotorEx** in respect of the promotional campaigns of the nature described in the Form G which we have approved and further authorises News Limited to deal with any queries from the ACCC on its behalf.

Signature _____

As an authorised representative for and on behalf of
Bralson Pty Ltd T/as MotorActive – Promoter of MotorEx

Name PAUL MORRISON

Title MANAGING DIRECTOR

Date FIFTH JUNE 2015

Unit 35 Slough Business Park, Holker Street, Silverwater NSW 2128, Australia
Ph: (02) 9737 9422 Fax: (02) 9737 9414 Toll Free: 1800 347 570
MotorActive.com.au (ABN 15 050 094 650 – Bralson Pty Ltd)

