

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:**

N98911 Ticketek Pty Ltd ABN 92 010 129 110 (**Ticketek**)

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

Ticketek provides ticketing services to venues and promoters across Australia.

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

Level 18, 66-68 Goulburn Street, Sydney, New South Wales 2000

2. Notified arrangement

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

Provision of exclusive sales periods, ticket allocations and discounted ticket offers (**Tickets**) to various events staged by Live Nation Australasia Pty Ltd ABN 69 156 286 341 [including Family, Comedy and Music events] (**Live Nation**) (the **Events**) by Ticketek to customers and staff of National Australia Bank Limited ABN 12 004 044 937 and of its related entities (**NAB Group**).

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

Ticketek proposes to:

- Give or allow, or offer to give or allow, exclusive ticket pre-sale periods and ticket allocations, and discounted ticket offers, for customers and staff of the NAB Group (**NAB Group Customers**) to purchase Tickets during a nominated window or at a discount to the Events;

- Refuse to give or allow, or offer to give or allow, a customer to purchase tickets to the Events during the applicable window or at the discounted price from Ticketek between the nominated start and finish date, because the customer is not an NAB Group customer.

There is an argument (not necessarily accepted by Ticketek) that the proposed conduct may amount to a contravention of sections 47(6) and/or 47(7) of the *Competition and Consumer Act 2010 (Cth) (CCA)*. This is because it may be argued that tickets to the Events will only be sold to consumers during the exclusive window or at the discounted price (as applicable) if the consumers acquire the services of the NAB Group. Out of an abundance of caution, Ticketek wishes to notify the conduct under section 93(1) of the CCA.

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:**

NAB Group Customers

(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

(a) **Arguments in support of notification:**
(Refer to direction 7)

An important part of attracting wide audiences to live music events and ensuring the continued viability of these types of events is providing a range of value propositions to customers. Therefore these types of offers are intended to attract more people to attend live events, contributing to the continued viability of those events.

In addition, the proposed conduct will benefit the public by promoting competition in the markets in which NAB Group products are supplied as it will encourage competitors of the NAB Group to procure similar benefits for their customers.

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

The proposed conduct offers benefits to NAB Group Customers by enabling them to purchase Tickets to the Events.

It does not compel NAB Group Customers to purchase Tickets through Ticketek or to buy any Tickets at all. Members of the general public who are not NAB Group Customers are able to purchase tickets to the Events (for example at the conclusion of the pre-sales) via the Ticketek network, without acquiring the products or services of the NAB Group. Tickets set aside for the allocation to NAB Group Customers will generally be distributed across all price categories.

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):

For the purpose of this notification only, the relevant markets are those in which:

- Tickets to live entertainment events are supplied in Australia, in which market Ticketek supplies services broadly; and
- Financial services, including banking, wealth management and insurance products and services are supplied in Australia

Competition in both of these markets is vigorous and there are other competitors in each of these markets that compete for business.

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:**

It is submitted that there is no known public detriment as a result of the proposed conduct. NAB Group Customers are free to choose whether or not to take advantage of the Ticket offers during the relevant periods. Members of the general public who wish to purchase tickets to the Events will still be able to do so outside of the allocated periods or discounted ticket offer windows, without any requirement to be an NAB Group customer.

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

The proposed conduct is merely an additional benefit to consumers who are NAB Group Customers.

The proposed conduct will provide NAB Group Customers with a benefit only if they choose to take advantage of the offers – they are not obligated to purchase Tickets.

The proposed conduct:

- does not limit the genuine choice of consumers in choosing whether to acquire services from the NAB Group or its competitors; and
- does not limit the ability of consumers to acquire tickets to the Events without purchasing a product or service from the NAB Group.

7. Further information

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

Ticketek: Carol Basili
Corporate Counsel
Ticketek Pty Limited
GPO Box 1610, SYDNEY NSW 2001
Ph: 02 9266 4017

Dated..... 11/02/2016

Signed by/on behalf of the applicant

..... *C. Basili*

(Signature)

..... Carol Basili

(Full Name)

..... Ticketek Pty Limited

(Organisation)

..... Corporate Counsel

(Position in Organisation)