



22 December 2015

**BY EMAIL: [adjudication@accc.gov.au](mailto:adjudication@accc.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 International Dairy Week Pty 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



**Toby Moritz**  
Legal Counsel

# 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:

N98807

International Dairy Week Pty Ltd  
Address: Unit 11, 85-91 Keilor Park Drive, Tullamarine, Victoria  
ABN: 28 146 472 639

**(Applicant)**

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

Hold dairy industry related events

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

Toby Moritz  
Legal Counsel  
The Herald & Weekly Times Pty Ltd  
40 City Road  
Southbank VIC 3006  
Phone: 02 9288 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 an event to be held on 20<sup>th</sup> and 21<sup>st</sup> of January 2016 at 9 Hastie Street, Tatura (**Event**) as described below in paragraph 2(b).

(b) Description of the conduct or proposed conduct:

The Applicant proposes to make 1000 tickets available to the Event, on the terms described below (**Free Tickets**).

The Applicant proposes to make the Free Tickets available on 20<sup>th</sup> and 21<sup>st</sup> of January 2016, on the following terms:

- i. Free Tickets will only be available on presentation of an original front page from The Weekly Times newspaper published on 20<sup>th</sup> and 21<sup>st</sup> January 2016 (**Relevant Newspaper**).
- ii. Free Tickets will only be available on 20<sup>th</sup> and 21<sup>st</sup> of January 2016 upon the presentation of a front page of that day's newspaper (the front page of the 20 January edition cannot be redeemed for a Free Ticket on 21 January).
- iii. 500 Free Tickets will be available on each of 20 and 21 January 2016.
- iv. The first 500 people (each day) to redeem a valid coupon will receive free entry to the Event.
- v. There will be a limit of one Free Ticket per person.
- vi. There will only be 500 Free Tickets made available per day and they will be made available on a "first come, first served" basis.
- vii. The promotional offer is exclusive to the Relevant Newspaper 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 Notified Conduct**

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

Prospective attendees of the Event.

Current and prospective purchasers of The Weekly Times newspaper (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. For instance:

- (a) up to 1000 people will be able to attend the Event for free;
- (b) the discount may encourage competitors of The Weekly Times (including other newspapers, magazines and online media) to offer customers similar promotions, thus benefitting consumers; and
- (c) the promotion may encourage the operators of other events which are in the same market as or compete with the Event to engage in similar promotions, thus benefitting consumers.

#### **5. Market definition**

Whilst on one view, it is not necessary to precisely define the markets affected (as even in the narrowest potential market, the notified conduct will not result in any lessening of competition) we nevertheless offer the following market definitions.

(i) **The supply of newspapers**

The consumer market for newspapers in Victoria.

(ii) **The supply of event attendance**

The market for attendees at major dairy industry-related events.

#### **6. Public detriments**

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

- Purchasers of the Relevant Newspaper would be under no obligation to accept the offer from the Applicant.
- The general public would be free to acquire relevant goods or services from Applicant without any obligation to acquire the good or services from The Weekly Times.

- 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 organisers of major dairy industry-related events.

**7. Further information**

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

Toby Moritz  
 Legal Counsel  
 The Herald & Weekly Times Pty Ltd  
 40 City Road  
 Southbank VIC 3006  
 Phone: 02 9288 1013  
 Email: toby.moritz@news.com.au

Dated: 22 DECEMBER 2015

Signed by/on behalf of the Applicant

.....  
 Toby Paul Moritz.....  
 The Herald & Weekly Times Pty Ltd.....  
 Legal Counsel.....

## DIRECTIONS

8. 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.
9. 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.
10. Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
11. 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.
12. Describe the business or consumers likely to be affected by the conduct.
13. 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.
14. 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.
15. 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.
16. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.



PO Box 563, Tullamarine BC  
Tullamarine, Victoria, 3043 Australia  
[www.internationaldairyweek.com.au](http://www.internationaldairyweek.com.au)

ACN: 146472639  
ABN: 28 146 472 639

18 December 2015

**Attention:** *Helena Boccabella*  
*Marketing Manager – The Weekly Times*  
*The Herald & Weekly Times (HWT)*  
*40 City Road, Southbank VIC 3006*

In relation to our confirmation to participate in one or more joint promotions organised and promoted by us, we understand that The Herald & Weekly Times Pty Ltd 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:** *International Dairy Week*  
*Unit 11, 85-91 Keilor Park Drive, Tullamarine*  
*ABN: 28 146 472 639*

**Product/range:** *International Dairy Week runs from 17 – 21 January 2016 at Tatura Park, 9*  
*Hastie Street, Tatura, Victoria.*

**Coverage:** *Victoria*

International Dairy Week authorises The Herald & Weekly Times Pty Ltd to lodge a notification with the ACCC on behalf of International Dairy Week in respect of the promotional campaigns of the nature described in the Form G which we have approved and further authorises The Herald & Weekly Times Pty Ltd to deal with any queries from the ACCC on its behalf.

Signature *R Barber*

As an authorised representative for and on behalf of International Dairy Week

Name *Robyn Barber*

Title *Event Manager*

Date *18/12/15*