

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:

N99544 Telstra Corporation Limited (ABN 33 051 775 556) (**Telstra**).

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

Telstra provides a wide range of telecommunications and information services including fixed line services, mobile services, internet services and media content for delivery services. Telstra also sells a number of telecommunications and technology products outright.

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

Lisa Huett
King & Wood Mallesons
600 Bourke Street
Melbourne VIC 3000
Tel: (03) 9643 4163

2. Notified arrangement

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

The supply of telecommunications products and/or services by Telstra.

(b) Description of the conduct or proposed conduct:

Telstra is proposing to make special or discounted offers to members of the UNiDAYS website (www.myunidays.com) operated by MYUNIDAYS LTD trading as UNiDAYS (**UNiDAYS Website**).

The UNiDAYS Website provides members (who must be students) with access to a number of student discounts online and in-store from a variety of retailers and suppliers. New members must provide information to verify their student status as part of the sign up process.

Under the proposal, Telstra proposes to, from time to time:

- (i) supply, or offer to supply, telecommunications products and/or services; and/or
- (ii) supply, or offer to supply, the telecommunications products and/or services at a particular price; and/or

- (iii) give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the proposed supply of telecommunications products and/or services,
on the condition that the consumer is a current member of UNiDAYS.

For example, Telstra proposes to offer to members of UNiDAYS a \$10 discount off the monthly access fee on a selected Telstra mobile phone plan along with a \$0 international direct dialling (IDD) package for certain international calls and texts from Australia to ten selected countries (China, India, UK, New Zealand, Hong Kong, Malaysia, Singapore, South Korea, USA and Canada).

Under the proposal, Telstra also proposes to refuse to, from time to time:

- (i) supply the telecommunications services; and/or
- (ii) supply the telecommunications services at a particular price; and/or
- (iii) give or allow a discount, allowance, rebate or credit in relation to the proposed supply of telecommunication services,
for the reason that the consumer is not, or has not agreed to become, a current member of UNiDAYS.

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:
Current and future UNiDAYS members.
- (b) Number of those persons:
 - (i) At present time:
Substantially greater than 50.
 - (ii) Estimated within the next year:
Substantially greater 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:
The proposed conduct will be of benefit to the public because it will give UNiDAYS members (who are students) an opportunity to receive special offers of telecommunications products and/or services from Telstra.
- (b) Facts and evidence relied upon in support of these claims:
The ability to receive a discount may be a significant benefit to customers particularly given their status as students. A mobile phone plan is a common everyday expense.

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):

The relevant markets include the provision of telecommunications products and/or services

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:

The proposed conduct will not have any negative effect on competition in any market. The telecommunications sector is highly competitive with a number of entities competing in the market. There are numerous avenues by which telecommunications entities (and other retailers and suppliers) may offer special or discounted offers to both students and other members of the general public.

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

Not applicable.

7. Further information

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

Lisa Huett
King & Wood Mallesons
600 Bourke Street
Melbourne VIC 3000
Tel: (03) 9643 4163

Dated 19 January 2017



Signed by/on behalf of the applicant

.....
(Signature)

Lisa Huett
(Full Name)

King & Wood Mallesons
(Organisation)
Partner
(Position in Organisation)