

FREEHILL
HOLLINGDALE
& PAGE

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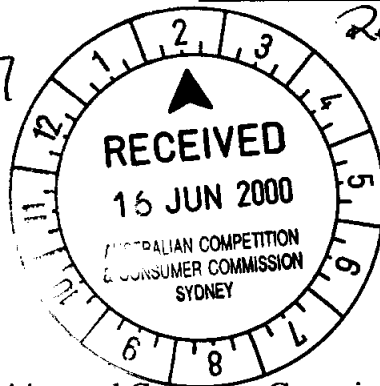
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Received
16/6/00
Spm
Smy Copala

16 June 2000



Our ref MJG:28B
Phone 02 9225 5286
Email michael_gray@freehills.com.au
Doc no SYDCQ\00370764.9

Mr Ian Searles
Australian Competition and Consumer Commission
Level 5, Skygardens
77 Castlereagh Street
SYDNEY NSW 2000

CONFIDENTIAL

Dear Mr Searles

VISA PLATINUM Club

We act for Visa International Service Association ("Visa").

VISA presently promotes the *VISA PLATINUM* Club program ("the Program") in various countries, including Australia.

Visa enlists business organisations that wish to participate in the Program ("the Club Partners"). Under the Program, Club Partners will offer upgrades, complimentary goods and services, discounts and other benefits to customers who use a *VISA PLATINUM* Card to pay for their purchases.

Visa has obtained authorisation from a number of Club Partners to lodge, on their behalf, a "Notification of Exclusive Dealing" in accordance with sub-section 93(1) of the *Trade Practices Act 1974*.

Accordingly, we attach:

- (1) a notification given by Visa to the Australian Competition and Consumer Commission ("ACCC") on behalf of various Club Partners who participate in the *VISA PLATINUM* Club program;
- (2) submission accompanying the notification entitled "Visa International Service Association exclusive dealing notification";
- (3) pro forma participation agreement; and
- (4) *VISA PLATINUM* Marketing and Implementation Guide.

MLC Centre Martin Place Sydney New South Wales 2000 Australia
Telephone (02) 9225 5000 Int+ (61 2) 9225 5000 Facsimile (02) 9322 4000 DX 361 Sydney
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SYDNEY MELBOURNE PERTH CANBERRA BRISBANE HANOI HO CHI MINH CITY
CORRESPONDENT OFFICES IN JAKARTA, KUALA LUMPUR & SINGAPORE

We also enclose a fee of \$2,500 comprised of:

- \$1,000 in respect of the notification for one public company, Crown Limited;
- \$200 in respect of each additional related notification for three foreign companies: Marriott International, Inc trading as Petries Bistro Brisbane Marriott Hotel, MCH Services (Sydney) Pte Ltd trading as Merchant Court Hotel Sydney and E&O Services (S) Pte Ltd; and
- \$100 in respect of nine additional related notifications for proprietary companies.

Visa may lodge further notifications in respect of additional Club Partners who participate in the *VISA PLATINUM* Club program and who authorise Visa to notify the ACCC.

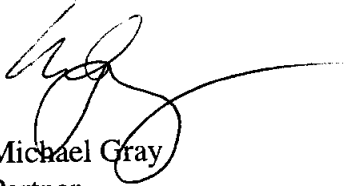
Please note that the information in this letter and the attachments is highly commercially sensitive. Visa requests that the following information be excluded from the public register in accordance with section 95 of the *Trade Practices Act, 1974*:

- (1) pro forma participation agreement;
- (2) *VISA PLATINUM* Marketing and Implementation Guide;
- (3) current and projected numbers of *VISA PLATINUM* cardholders as set out in the notifications; and
- (4) the submission entitled "Visa International Service Association Exclusive Dealing Notification".

If the ACCC does not accept it on these terms please let us know as Visa reserves the right to withdraw this information.

Yours faithfully

FREEHILL HOLLINGDALE & PAGE



Michael Gray
Partner

FORM G

COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974 - Sub-section 93(1)
EXCLUSIVE DEALING
NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or (9)(a), (b), (c) or (d) of that Act in which the persons giving notice engaged or proposes to engage.

1. (a) Name of person giving notice:

Each of the persons specified in the document attached to this notification and marked "A" (the "Club Partners")

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

Supply of various goods and services - see attachment "A".

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

c/- Freehill Hollingdale & Page
Level 32, MLC Centre
19-29 Martin Place
Sydney NSW 2000

Attention: Ms Nicole Wellington

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

See attachment "A".

(b) Description of the conduct or proposed conduct:

Club Partners will offer discounts and other benefits to customers who use a *VISA PLATINUM* credit or payment card to pay for their purchases.

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

Those persons who hold a *VISA PLATINUM* card and use it to pay for the goods or services.

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(b) Number of those persons -

(i) At present time:

(ii) Estimated within the next year:

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:

Not applicable

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:

Ms Nicole Wellington
Freehill Hollingdale & Page
Level 32, MLC Centre
19-29 Martin Place
Sydney NSW 2000

Phone: 9225 5229
Fax: 9322 4000

Dated: 16 JUNE, 2000

Signed by/on behalf of the person giving this notice:

N. Wellington
.....
(Signature)

NICOLE WELLINGTON
.....
(Full Name)

SOLICITOR
.....
(Description)

FOLIOS

RESTRICTION OF PUBLICATION

CLAIMED

GRANTED

DECISION PENDING

W: D00/20564
PR: re/16557
CONF: D00(20766)

Figures/words
in paragraphs
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