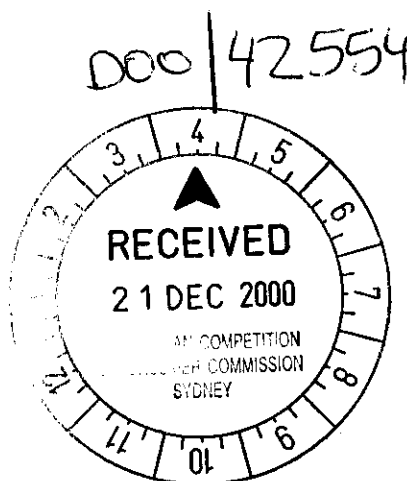


# CLAYTON UTZ

21 December 2000

## By Hand

State Director  
Australian Competition and Consumer  
Commission  
Level 5, Skygardens  
77 Castlereagh Street  
SYDNEY NSW 2000



## Lawyers

Levels 23-35  
No.1 O'Connell Street  
Sydney NSW 2000  
Australia

PO Box H3  
Australia Square  
Sydney NSW 1215  
DX 370 Sydney

Tel + 61 2 9353 4000  
Fax + 61 2 9251 7832  
www.claytonutz.com

Sydney · Melbourne  
Brisbane · Perth  
Canberra · Darwin

Our reference  
187/705/1525024

Partner  
M T Corrigan

Dear Sir or Madam

## Exclusive Dealing Notification

We enclose a notification of exclusive dealing pursuant to sub-section 93(1) of *Trade Practices Act 1974* on behalf of Godwin & Co. together with a cheque payable to the ACCC for \$100.

Yours faithfully

CLAYTON UTZ

Michael Corrigan  
Partner  
9353 4187  
mcorrigan@claytonutz.com

Contact **Clive Cachia**  
Solicitor  
9353 4705  
ccachia@claytonutz.com

Enclosure

SYD5\705\821260.1

**Trade Practices Act 1974 - Sub-section 93(1)**

**EXCLUSIVE DEALING: NOTIFICATION**

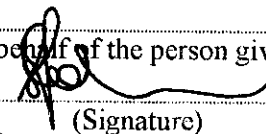
To the Australian Competition and Consumer Commission:

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 (6) and (7) of that Act in which the person giving notice engages or proposes to engage.

1. (a) Name of person giving notice The Golf Card Pty Limited and the persons named in Schedule A
- (b) Short description of business carried on by that person Marketing a loyalty program providing various discounts on golf related goods and services linked to use of a credit card issued by Commonwealth Bank of Australia
- (c) Address in Australia for service of documents on that person C/- Lee Godwin, Godwin & Co, 32 Crown Street, Woolloomooloo, NSW 2011
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates  
Financial credit, linked to loyalty discounts offered for services supplied by service providers named in Schedule A.
- (b) Description of the conduct or proposed conduct - Refer Schedule B  
A copy of the document setting out the proposed condition of the type described above is attached and marked Schedule B.
3. (a) Class or classes of persons to which the conduct relates  
All users and potential users of Golf Card
- (b) Number of those persons -  
(i) At present time, the number of users of Gold Card is 0.  
(ii) The Estimated number of users within the next year is 10,000.
- (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  
Lee Godwin

Dated 21.12.00

Signed by/on behalf of the person giving this notice



(Signature)

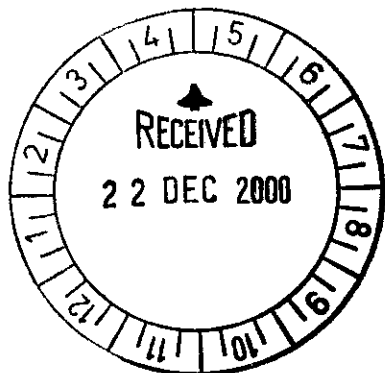
LEE DARRAGH GODWIN

(Full Name)

(Title)

Golf Card Pty Limited

(Organisation)



## DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
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. In item 1(b), 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 subsection 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

## NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47(6) or (7), or paragraph 47(8)(c) or (9)(d), of the *Trade Practices Act 1974* (the "Act"), it comes into force at the end of the period described for the purposes of subsection 93(7A) of the Act (the "**prescribed period**") unless the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.

## **Schedule A**

		<b>Relevant Services Offered</b>
1.	<b>Port Marine (Hope Island) Pty Limited</b>	Leisure boat craft
1.1	<b>Goarg Pty Limited</b>	Golf merchandise, clothing apparel
2.	<b>Phoenix Leisure Group Pty Limited</b>	Sporting equipment
3.	<b>InFlight Helicopters Pty Limited</b>	Air transport services
4.	<b>Blitz Publications Pty Limited</b>	Magazine publishers
5.	<b>Cactus Imaging Pty Limited</b>	Billboard and visual advertising
6.	<b>Golf Card Pty Limited</b>	Scheme membership benefits

## Schedule B

The conduct notified by this notice is:

- (a) offering and supply, by persons named in Schedule A, of goods and/or services, and/or offering goods or services at a particular price or discount, on the condition that the offerees and acquirers of such goods or services, hold a valid Golf Card issued by the Commonwealth Bank of Australia, and recognised by Golf Card Pty Limited; and
- (b) the refusal by the persons named in Schedule A to supply the goods and/or services referred to, at a particular price or discount, for the reason that the acquirer or would-be acquirer has not acquired a Golf Card issued by the Commonwealth Bank of Australia and recognised by Gold Card Pty Limited.

## Golf Card - Explanatory Note

In August 2000, Golf Card Pty Limited launched "Golf Card" in order to provide the Australian golfing public with access to a Mastercard, backed by the Commonwealth Bank of Australia, which is linked to a range of discounted offers available from various providers of goods and services likely to be of benefit to the golfing public.

The cost of a Golf Card to members is \$450 per annum.

The Golf Card competes with a wide range of other credit cards offered by Australian banking and financial institutions. The market for credit cards is highly competitive in Australia.

Discounts are available to holders of the Golf Card from various Golf Card partners, the identity of which are listed in Schedule A.

As Golf Card partners will provide discounts to members of the golfing public on the condition that such members hold a valid Golf Card, there is a risk of third line forcing occurring, contrary to sub-sections 47(6) and (7) of the *Trade Practices Act*. Golf Card partners may refuse to supply relevant discounts to consumers where customers have not acquired a Golf Card.

The terms and conditions of use of the Card are clearly disclosed to all would-be users, as are the costs. The details of the offer are set out at the Golf Card website at [www.GolfCard.au](http://www.GolfCard.au). Enclosed is a copy of explanation of Golf Card as published in the August 2000 edition of "Golf" Magazine.

Golf Card Pty Limited believes that there is no detriment to consumers which would warrant the ACCC not accepting this notification. The benefit to the public in respect of the Golf Card is the offer of new card which delivers valuable benefits to users, and further promotes competition in the markets for the goods and services offered by Golf Card Partners.

For further information please contact Mr Lee Godwin at the contact details shown in the attached notification.