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Australian Competition & Consumer Commission

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Australia
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Our Ref: C2001/825
Your Ref: ECS/VP/QUEE3159-7503907
Contact Officer: Angela Razborssek
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16 July 2001

Mr Eddie Scuderi
Partner
Corrs Chambers Westgarth Lawyers
GPO Box 9925
QLD 4001

Dear Mr Scuderi

Third line forcing notification N50124 Lodged on Behalf of Queensland Performing Arts Trust

I refer to your notification of third line forcing conduct lodged on behalf of Queensland Performing Arts Trust (QPAT). You have described the third line forcing conduct as involving supplying or offering to supply the opportunity and granting a license to provide catering services on the condition that:

- QPAT may appoint naming right sponsors and exclusive suppliers from whom the appointed caterer may be required to purchase;
- QPAT may allow a hirer to supply or offer its own or sponsor's products during a function and the appointed caterer agrees to obtain and supply such products and not to knowingly supply a competing product;
- if the appointed caterer is not the incumbent caterer, the appointed caterer must purchase the liquor and food stocks of the outgoing caterer; and
- giving effect to each of the "tied" obligations referred to above.

The above notification was lodged with the Australian Competition and Consumer Commission (the Commission) on 25 June 2001 and has been placed on the Commission's public register. Legal immunity provided by the third line forcing notification came into force on 9 July 2001.

On the basis of the information that you provided to the Commission, I have decided not to make inquiries concerning the notified conduct.



Please note that the Commission may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the public benefit arising from the notified conduct does not outweigh the public detriment arising from the conduct.

This letter has been placed upon the Commission's public register. If you wish to discuss any aspect of this matter further, please do not hesitate to contact Angela Razborsek on (02) 6243 1243.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Grimwade', with a stylized flourish at the end.

Tim Grimwade
General Manager
Adjudication Branch