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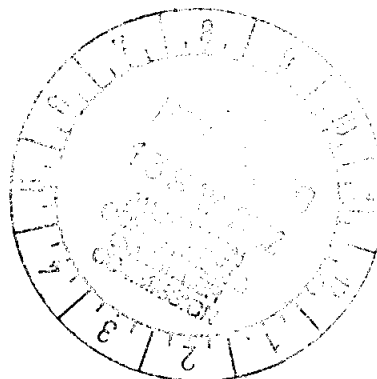
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7 May 2002

ACCC
PO Box 10048
Adelaide Street Post Office
BRISBANE QLD 4000



Dear Sirs

**QUEENSLAND ART GALLERY
NOTIFICATION - EXCLUSIVE DEALING**

I act on behalf of the Queensland Art Gallery.

I **enclose**:

1. Form G - Exclusive Dealing Notification; and
2. Cheque for \$1,000 in payment of application fee.

Should you require any further information, please do not hesitate to contact me.

I look forward to hearing from you.

Yours faithfully


Paul Spiro
for **GADENS LAWYERS**
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Sydney Melbourne Brisbane Perth Cairns Gold Coast Port Moresby



FORM G

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974 – Subsection 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 person giving notice engages or proposes to engage.

1. (a) Name of person giving notice:

Queensland Art Gallery

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

Providing function space.

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

Queensland Art Gallery, South Bank, Brisbane, Queensland.

PO Box 3686, South Bank Q 4101.

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

Supply of function space for private functions.

- (b) Description of the conduct or proposed conduct:

Supply of function space on the condition that the acquirer of the space, should catering services be required, acquire those catering services from one of a number of specified caterers. Please see additional comments attached.

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

Persons wishing to hire function space at the Queensland Art Gallery.

- (b) Number of those persons:

- (i) At present time:

65

- (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

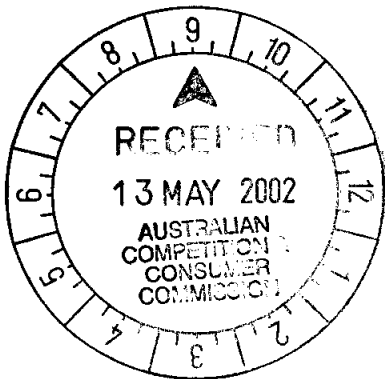
not applicable

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

Paul Spiro, Gadens Lawyers, GPO Box 129, Brisbane, Qld 4000.

DATED this 10th day of July 2002

SIGNED by/on behalf of the applicant giving notice



[Signature]
Signature

PAUL SPIRO
Full name

SOLICITOR
Description

**COMMENTS IN RESPONSE TO ITEM 2(B) -
DESCRIPTION OF THE CONDUCT OR PROPOSED CONDUCT**

The conduct the subject of this notification is supply of function space on the condition that the acquirer of the space, should catering services be required, acquire those catering services from one of a number of specified caterers.

Whilst arguably within the ambit of section 47(6) of the *Trade Practices Act*, this conduct does not have a substantial anti-competitive effect, and in fact, results in significant public benefits.

1. Effect on Competition

There are approximately 70 persons who hold functions at the Gallery each year. This is a comparatively small number when the total number of functions held in Brisbane each year is considered. The effect on competition between caterers in the Brisbane market will therefore be minimal, if there is any effect at all.

Additionally, acquirers of the function space will have a choice of five caterers to supply services. Those five caterers may well be extremely competitive between themselves resulting in very favourable outcomes for the acquirer of those services.

2. Public Benefits

The Queensland Art Gallery is one of Queensland's premier locations for holding events. This fact, combined with the unique nature of the Gallery's business mean that the public benefit derived from the proposed conduct outweighs any potential anti-competitive effect.

Caterers supplying services at the Queensland Art Gallery must:

- (a) Have an understanding of the complex and specific nature of the application of Workplace Health and Safety laws to the Gallery;
- (b) Appreciate and understand issues relating to the protection and care of artworks; and
- (c) Understand issues relating to the nature of the building and consequent restrictions on what caterers may and may not do on the premises.

Caterers who are not familiar with the unique conditions and requirements of the Queensland Art Gallery may cause significant damage to:

- The artworks housed in the Gallery; or
- the premises; or
- sensitive environmental conditions

which would damage the Gallery's reputation not only as a function space but also as a cultural site with the potential to impact negatively on its capacity to borrow artworks from other institutions both nationally and internationally. Appointing an exclusive

panel of caterers that understands the Gallery's requirements minimises costs and risks in ensuring that those requirements are met.

The revenue generated by holding functions at the Gallery goes towards purchasing new artworks, accessing the delivery of public access programs and generally upholding the Gallery's reputation as one of Queensland's most important cultural sites. It is therefore in the public's interest that the Gallery be utilised as a venue for functions.

By appointing a panel of several caterers able to supply services within the Queensland Art Gallery, clients still have some choice as to the caterer they use when holding a function, however the Gallery can protect itself, the State's visual arts collection and its reputation.