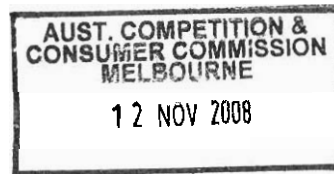


CLAYTON UTZ

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Level 18
333 Collins Street
Melbourne VIC 3000
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12 November 2008



DX 38451
333 Collins VIC

By Hand

Mr David Hatfield
Adjudication Branch
Australian Competition and Consumer Commission
Level 42, The Tower
360 Elizabeth Street
Melbourne Vic 3000

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FILE No:
DOC:
MARS/PRISM:

Our reference: 12206/14536/80084135

Dear Mr Hatfield

Golden Casket Lottery Corporation Limited - Exclusive Dealing Notification

We act on behalf of Golden Casket Lottery Corporation Limited.

We enclose the following:

1. Form G Exclusive Dealing Notification; and
2. a cheque for the filing fee in the amount of **\$200.00**

We make a claim for confidentiality in respect of the supporting submission as it contains more specific detail of the Promotion. In this regard we note that Form G provides all necessary details for people to fully understand the nature of the conduct,

Yours faithfully

A handwritten signature in black ink, appearing to read "Joanne Daniels".

Joanne Daniels, Partner
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jdaniels@claytonutz.com

Eliza Morgans, Lawyer
+61 3 9286 6351
emorgans@claytonutz.com

Form G

Commonwealth of Australia
Trade Practices Act 1974 — 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 *Trade Practices Act 1974*, 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:**

N93700 Golden Casket Lottery Corporation Limited (ACN 078 785 449) (**Golden**
N93701 **Casket**) and Queensland Newspapers Pty Ltd (ACN 009 661 778)
(**Queensland Newspapers**), referred to together as the "Parties".

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

Golden Casket is a provider of lottery products. Golden Casket's current portfolio includes the lottery games operated under the brand names of Saturday Gold Lotto, Wednesday Gold Lotto, Oz 7 Lotto, Powerball, Pools, Super 66, Casket and Instant Scratch-Its tickets. Golden Casket sells, markets and operates all of these lottery games in Queensland under a Queensland Operator's Licence issued under the Lotteries Act (Qld) 1997 which extends to 2072. Golden Casket also sells, markets and operates Instant Scratch-Its tickets in Tasmania and Northern Territory under regulatory permits issued in those jurisdictions.

Queensland Newspapers is a publisher and distributor of newspapers in Queensland, including the Sunday Mail, Courier Mail and MX.

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

C/- Ms Jo Daniels
Partner, Clayton Utz
Level 18
333 Collins Street
MELBOURNE VIC 3000

2. **Notified arrangement**

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

The notification relates to the supply of Golden Casket's Saturday Gold Lotto product and Queensland Newspapers' newspapers including the Sunday Mail, the Courier Mail and the MX.

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

The Parties propose to promote their products through a competition where certain consumers send in an entry form (**Promotion**). To enter into the Promotion members of the general public who are 18 years of age or older (**Consumers**) must purchase a Queensland Newspapers' Sunday Mail newspaper and an entry into the Golden Casket \$30 million Saturday Gold Lotto Megadraw during the promotional period. The prizes will consist of Golden Casket products. The Promotion is only open to Consumers in Queensland.

That is, the Parties are proposing to:

- (i) supply, or offer to supply, the right to enter the Promotion and win a prize on condition that the entrant will purchase both a Queensland Newspapers' Sunday Mail newspaper and an entry into the Golden Casket \$30 million Saturday Gold Lotto Megadraw during the promotional period; and/or
- (ii) refuse to supply the right to enter the Promotion and win a prize to an entrant for the reason that they have not purchased a Queensland Newspapers' Sunday Mail newspaper and/or an entry in the Golden Casket \$30 million Saturday Gold Lotto Megadraw during the promotional period.

The entry form will be provided in the Queensland Newspapers' Sunday Mail newspaper and other promotional advertisements about the competition will be in other Queensland Newspapers' newspapers including the Courier Mail and the MX.

Further details of the proposed conduct are set out in the attached submission.

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:**

Members of the general public who are 18 years of age or older wanting to:

- (i) purchase a Golden Casket \$30 million Saturday Gold Lotto Megadraw ticket; and
- (ii) purchase a Queensland Newspapers' Sunday Mail newspaper.

(b) **Number of those persons:**

(i) **At present time:**

Nil.

(ii) **Estimated within the next year:**

Unknown and unable to assess.

- (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 benefit the public because:

- (i) it will encourage competition in the Queensland newspaper market and/or similar markets by encouraging competitors to match or better the Promotion outlined in the proposed conduct; and
- (ii) provide Consumers with the chance to win a prize for doing no more than purchasing a Queensland Newspapers' Sunday Mail newspaper and an entry in the Golden Casket \$30 million Saturday Gold Lotto Megadraw on normal commercial terms.

- (b) **Facts and evidence relied upon in support of these claims:**

In support of this, it should be noted that:

- (i) It is reasonable to assume that Consumers would be likely to purchase a Queensland Newspapers' Sunday Mail newspaper and an entry in the Golden Casket \$30 million Saturday Gold Lotto Megadraw, irrespective of the Promotion. Therefore, entry into the Promotion is simply an ancillary benefit to Consumers who purchase a Queensland Newspapers' Sunday Mail newspaper and an entry in the Golden Casket \$30 million Saturday Gold Lotto Megadraw during the promotional period.
- (ii) The Promotion is voluntary. Consumers remain free to purchase the Queensland Newspapers' Sunday Mail newspaper or an entry in the Golden Casket \$30 million Saturday Gold Lotto Megadraw from any retailer at any time on their usual commercial terms. There will be no increase in the price of Queensland Newspapers' Sunday Mail newspapers or the Golden Casket \$30 million Saturday Gold Lotto Megadraw entries during the promotional period. The standard price of a Queensland Newspapers' Sunday Mail newspaper is \$2.00 and the starting price of an entry in the Golden Casket \$30 million Saturday Gold Lotto Megadraw is \$2.40.
- (iii) Where Consumers choose to enter the Promotion, they will have the opportunity to win prizes.

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 are:

- (a) the Queensland newspaper market; and
- (b) the Queensland lottery products market.

Although the appropriate markets may be broader than the identified markets, in light of the fact that there are no public detriments and significant public benefits, it is not necessary to definitively identify the precise boundaries of the relevant markets.

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 Parties do not believe that the Promotion will result in any public detriments.

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

No public detriment will arise from the Promotion for the following reasons:

- (i) the Promotion will be voluntary;
- (ii) given that there are a relatively small number of potential Consumers involved (as the Promotion is only available to Consumers in Queensland) and the Promotion runs for a limited period of time, it is unlikely to have any effect on competition in the relevant markets;
- (iii) entry into the Promotion does not require Consumers to purchase an entry in the Golden Casket \$30 million Saturday Gold Lotto Megadraw other than on normal commercial terms;
- (iv) entry into the Promotion does not require Consumers to purchase a Queensland Newspapers' Sunday Mail newspaper other than on normal commercial terms;
- (v) the Promotion will not prevent competitors from competing effectively; and
- (vi) the Promotion will have a positive effect on competition in the relevant market.

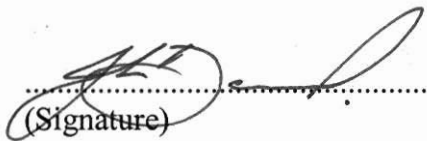
7. **Further information**

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

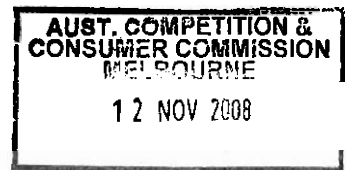
Ms Jo Daniels
Partner, Clayton Utz
Level 18
333 Collins Street
MELBOURNE VIC 3000

Dated: 12 November 2008

Signed by/on behalf of the Applicants


.....
(Signature)

Ms Jo Daniels
Partner, Clayton Utz
Lawyers for Golden Casket



DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 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. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.