



**Australian
Competition &
Consumer
Commission**

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(| January 2010

Ms Gina Cass-Gottlieb
Partner
Gilbert + Tobin Lawyers
GPO Box 3810
Sydney NSW 2001

Dear Ms Cass-Gottlieb

**Third line forcing notifications lodged by Perisher Blue Pty Ltd (N94396) and
Australian Alpine Enterprises Pty Ltd (N94397)**

I refer to the above third line forcing notifications. Notification N94396 was lodged with the Australian Competition and Consumer Commission (the ACCC) on 21 December 2009. Notification N94397 was lodged with the ACCC on 23 December 2009. The notifications have been placed on the ACCC's public register.

Perisher Blue Pty Limited (PBPL) and Australian Alpine Enterprises Pty Ltd (AAE) propose to offer a joint ski lift pass (Super Pass). The Super Pass will be a season pass enabling customers to use all of the facilities at Perisher Ski Resort (operated by PBPL), Hotham Ski Resort and Falls Creek Ski Resort (operated by AAE).

As part of the Super Pass arrangements:

- a. PBPL will refuse to supply free access to Perisher's facilities to a customer who (i) has a ski pass from a resort other than Perisher, and (ii) has not acquired from AAE a season pass from Hotham or Falls Creek or a Super Pass; and
- b. AAE will refuse to supply free access to the facilities at Hotham or Falls Creek to a customer who (i) has a ski pass from a resort other than Hotham or Falls Creek, and (ii) has not acquired from PBPL a season pass from Perisher or a Super Pass.

Legal immunity conferred by notification N94396 lodged by PBPL commenced on 4 January 2010. Legal immunity conferred by notification N94397 lodged by AAE commenced on 6 January 2010.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

This assessment has been made on the basis that PBPL and AAE will disclose all relevant terms and conditions of the Super Pass to prospective customers.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Erin Donohue on (02) 6243 1291.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized capital letter 'R' followed by a horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch