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DELIVERY BY HAND

Adjudication Branch
Australian Competition and Consumer Commission
Level 35, Melbourne Central Tower
360 Elizabeth Street
MELBOURNE VIC 3000

Dear Sir/Madam

The Star Pty Ltd ACN 060 510 410
Exclusive Dealing Notification (Third Line Forcing)


We act for The Star Pty Ltd.

Please find **enclosed**:

1. Form G Notification; and
2. a cheque for **\$100.00** made payable to **Australian Competition and Consumer Commission** in payment of the lodgement fee.

If you have any questions, please contact the writer.

Yours faithfully


Adam Walker
for GADENS LAWYERS

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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:**
(Refer to direction 2)

N95857 The Star Pty Ltd
ACN 060 510 410
80 Pyrmont Street
PYRMONT NSW 2009

- (b) **Short description of business carried on by that person:**
(Refer to direction 3)

Hotelier and casino operator, and provider of a range of ancillary goods and services at or from The Star's premises.

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

Attention: Mr Adam Walker
Gadens Lawyers
Level 25, 600 Bourke 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:**

A range of goods and services including:

- (a) food and beverage, and restaurant services; and
(b) spa treatment services,

at or from The Star's premises.

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

(Refer to direction 4)

The Star providing discounts, benefits or rights (the **Promotional Benefits**), including:

- 1) a discount or additional benefit in relation to food, beverage or spa treatment services (as the case may be); or
- 2) the right to attend certain exclusive restaurant events on The Star's premises; or
- 3) the right to reserve a table at certain restaurants located on The Star's premises,

on condition that, depending on the nature of the specific Promotional Benefit:

- 4) the customer is a customer of MasterCard Asia/Pacific (Australia) Pty Ltd (**MasterCard Australia**) or any of its affiliated entities (collectively, **MasterCard**) whereby the customer has been issued with a MasterCard card (**MasterCard Card**); and
- 5) the customer uses the customer's MasterCard Card to acquire specific goods or services at The Star's premises to obtain the Promotional Benefit.

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:**

(Refer to direction 5)

Customers of MasterCard who purchase specific goods services at or from The Star's premises.

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

(i) **At present time:**

Nil.

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

(Refer to direction 6)

Approximately 2,000.

(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:**

(Refer to direction 7)

The notified conduct will provide benefits to the public of:

- 1) Access to Promotional Benefits, including discounted goods or services, thereby allowing them to access lower priced, or additional, goods and services than would otherwise be available to the public.
- 2) Encouraging competitors of The Star, businesses situated therein and MasterCard to provide similar benefits to the Promotional Benefits.

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

See 2(b) above.

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):

(Refer to direction 8)

- 1) The provision of accommodation, restaurant services and spa treatment services.
- 2) Retail sale of clothing and accessories.
- 3) The provision of non-cash payment facilities.

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:**

(Refer to direction 9)

The Applicant submits that the notified arrangement involves no public detriments for the following reasons:

- 1) The markets for accommodation, restaurant services, spa treatment services and non-cash payment facilities are all highly competitive with numerous substitutes available.

- 2) To the extent that The Star participates in those markets, The Star represents a small portion of the relevant markets.
- 3) The notified conduct is for a limited period of time.

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

See 6(a) above.

7. Further information

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

Mr Adam Walker
Gadens Lawyers
Level 25, 600 Bourke Street
MELBOURNE VIC 3000

T: 03 9252 2555
F: 03 9252 2500
E: awalker@vic.gadens.com.au

Dated: 14 May 2012

Signed by/on behalf of the Applicant



Gadens Lawyers, for and on behalf of
The Star Pty Ltd ACN 060 510 410

