

Your Ref:  
Our Ref: RJP: 21205203  
Contact: Richard Partridge  
Direct Line: +61 3 9252 2527  
Direct Email: [rpartridge@vic.gadens.com.au](mailto:rpartridge@vic.gadens.com.au)



ABN 29 991 935 627

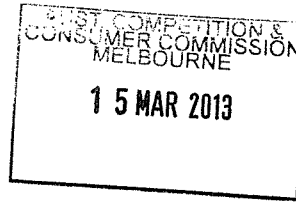
Level 25  
Bourke Place  
600 Bourke Street  
Melbourne Vic 3000  
Australia

GPO Box 48  
Melbourne Vic 3001

DX 304 Melbourne

tel +61 3 9252 2555  
fax +61 3 9252 2500

15 March 2013



FILE No:
DOC:
MARS/PRISM.

**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.

Please note that the conduct described in this Notification is a continuation of the conduct to which Notification number N96138 refers.

If you have any questions, please contact the writer.

Yours faithfully

A handwritten signature of Richard Partridge.

Richard Partridge  
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)

N96664      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:**

Restaurant services at or from The Star's premises.

- (b) **Description of the conduct or proposed conduct:**  
(Refer to direction 4)

The Star providing benefits or rights (the **Promotional Benefits**), particularly the right to reserve a table at certain restaurants located on The Star's premises, on condition that the customer is a customer of American Express Australia Limited (**AMEX Australia**) or any of its affiliated entities (collectively, **AMEX**) whereby the customer has

been issued with a certain AMEX card, makes the reservation through AMEX and pays for the restaurant services with an AMEX card.

**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 AMEX.

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

**(i) At present time:**

Approximately 2,400 people.

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

*(Refer to direction 6)*

Approximately 2,400 people.

**(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 that would otherwise not be available to the public; and
- 2) encouraging competitors of The Star, businesses situated therein and AMEX to provide benefits similar 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 restaurant services.
- 2) 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 market for restaurant services and non-cash payment facilities are 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.

- (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: 15 March 2013

Signed by/on behalf of the Applicant



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



## 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 *Competition and Consumer Act 2010* 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.