

Our reference  
Direct line  
Email

Stephen Kroker 21406417  
+61 3 9252 2557  
stephen.kroker@gadens.com

**gadens**

Gadens Lawyers  
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

T +61 3 9252 2555  
F +61 3 9252 2500

gadens.com

FILE No:
DOC:
MARS/PRISM:

5 August 2014

Dr Richard Chadwick  
General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
23 Marcus Clarke Street  
CANBERRA ACT 2601

Dear Dr Chadwick

**Jupiters Limited (ABN 78 010 741 045) t/a as Treasury Casino & Hotel  
Exclusive Dealing (Third Line Forcing) Notification**

We act for Jupiters Limited.

Please find enclosed:

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

Please note that the conduct described in the enclosed Notification will be the result of Jupiters Limited's participation in the Citigroup Dining Program, which is the subject of a notification lodged by Citigroup Pty Ltd (N97324).

If you have any questions, please contact the writer.

Yours faithfully



**Stephen Kroker**  
Partner



**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)*

N97696

Jupiters Limited ABN 78 010 741 045 trading as "Treasury Casino & Hotel" 2 Queens Wharf Rd, Brisbane, QLD 4000

(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 Applicant's premises.

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

Gadens Lawyers  
Level 25, Bourke Place  
600 Bourke Street  
MELBOURNE VIC 3000

Attention: Mr Stephen Kroker

**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 Applicant's premises.

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

*(Refer to Direction 4)*

The Applicant proposes to:

- Offer a complimentary bottle of wine (**Offer**) to patrons who identify themselves as Citibank customers, order at least one main meal per adult and pay for their entire meal using a

"Citibank" or "Citi" branded credit or debit card (**Eligibility Criteria**);

- Refuse to make the Offer to patrons who do not pay for their entire meal using a "Citibank" or "Citi" branded credit or debit card and otherwise meet the Eligibility Criteria.

**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)*

Patrons of restaurants at the Applicant's premises.

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

**(i) At present time:**

At the present time, approximately 1,500 people patronise restaurants at the Applicant's premises each day.

**(ii) Estimated within the next year:**  
*(Refer to direction 6)*

Within the next year, it is estimated that the highest number of people who will patronise restaurants at the Applicant's restaurants on any day is 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)*

Patrons of restaurants at the Applicant's premises and who meet the Eligibility Criteria will have the right to accept the Offer, thereby obtaining a complimentary bottle of wine.

The notified conduct will promote competition in various markets such as the markets in which credit and debit card services are provided, the market in which loyalty scheme services are provided, the market that in which restaurant services are provided and the market in which gaming services are provided.

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

The Applicant understands that the broader promotion conducted by

Citigroup Pty Ltd, of which the notified conduct will be part, has operated successfully for well over two years.

**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)*

Restaurant services at or from the Applicant's premises are supplied in the market for the provision of restaurant services in and around Brisbane CBD and the Gold Coast, Queensland.

The notified conduct may also affect the other markets identified in paragraph 4(a) above.

**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 conduct will not involve any public detriments because:

- Patrons of restaurants at the Applicant's premises are not required to use a "Citibank" or "Citi" branded credit or debit card to pay for their meal, unless they wish to meet the Eligibility Criteria for the Offer.
- Patrons of restaurants at the Applicant's premises are not obliged to accept the Offer.
- The notified conduct will promote competition in the market in which restaurant services are provided by the Applicant and the other markets identified in paragraph 4(a) above.

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

Not Applicable

**7. Further information**

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

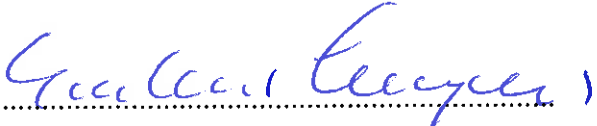
Mr Stephen Kroker

Gadens Lawyers  
Level 25, Bourke Place  
600 Bourke Street  
MELBOURNE VIC 3000

T: 03 9252 2555  
F: 039252 2500  
E: [stephen.kroker@gadens.com](mailto:stephen.kroker@gadens.com)

Dated: 5 August 2014

Signed by/on behalf of the Applicant

  
.....

Gadens Lawyers, for and on behalf of  
Jupiters Limited ABN 78 010 741 045

## 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 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.