

# 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 in 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.

### 1. Applicant

(a) Name of person giving notice:

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	Restaurant Name	Entity	ABN
N98893	Coco Cubano	The Trustee for The Baglin Family Trust	70 774 109 795
N98894	Cucina 105	CUCINA 105 RISTORANTE PTY LTD	85 167 324 272
N98895	Dynasty	Youth Corporation Pty Ltd	32 165 548 541
N98896	Komachi	SANDO FOOD PTY. LIMITED	97 003 621 225
N98897	Reel on Redleaf	NUMBERSEVEN PTY LTD	85 169 412 079

(b) Short description of business carried on by these people:  
Restaurants, café, public houses or bars that provide food and beverages to customers.

(c) Address in Australia for service of documents on that person in relation to this matter:

c/- Rose Owen  
General Counsel  
News Limited  
2 Holt Street  
Surry Hills NSW 2010  
Phone: 02 9288 3107  
email: rose.owen@news.com.au

**2. Notified Arrangement**

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

Applicant will offer to supply goods & services on a free or discounted basis to people who have acquired certain digital news services and/or newspapers of News Limited and/or its related bodies corporate (together, News Corp Australia).

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

Applicant will offer to supply free or discounted goods & services to people who have acquired certain News Corp Australia digital news services and/or newspapers.

Applicant will be able to refuse to supply to a person the free or discounted goods & services unless the person has acquired certain News Corp Australia digital news services and/or newspapers.

**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:

News Corp Australia digital news service subscribers and/or newspaper purchasers/subscribers and purchasers of goods & services from Applicant.

- (b) Number of those Persons:

- (i) At present time:

Substantially more than 50

- (ii) Estimated within the next year:

Substantially more than 50

- (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**

There are a number of significant public benefits which result from the proposed conduct:

- (a) Certain News Corp Australia digital news subscribers and newspaper purchasers/subscribers can obtain free or discounted goods and services from Applicant;
- (b) The offer may encourage competitors of News Corp Australia, including other newspapers, magazines and online media, to offer their customers and subscribers similar promotions; and
- (c) other competitors of Applicant may be encouraged to offer customer discounts through various newspapers, magazines or other platforms.

**5. Market definition**

It is not necessary to precisely define the applicable relevant markets affected as even in the narrowest potential market the notified conduct will not result in any lessening of competition.

**6. Public detriments**

The notified conduct would not result in public detriment, anti-competitive or otherwise, for the following reasons.

- News Corp Australia digital news subscribers and subscribers/purchasers of newspapers would be under no obligation to accept the offers from Applicant;
- The general public would be free to acquire relevant goods or services from Applicant without any obligation to acquire a News Corp Australia news service/product.

Many printed newspapers, magazines and online media services in Australia offer discount coupons or promotions to third parties' goods and services. This is to encourage loyalty to the publication or online service by customers and advertisers and increases competition between newspapers, media and online media services.

The notified conduct would have no appreciable effect on competition between providers of news and information services.

The notified conduct would have no appreciable effect on competition between Restaurants, café, public houses or bars that provide food and beverages to customers.

**7. Further information**

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

c/- Rose Owen  
General Counsel  
News Limited  
2 Holt Street Surry Hills, NSW 2010  
Phone: 02 9288 3107  
email: rose.owen@news.com.au

Dated: 22.01.2016

Signed by/on behalf of the Applicant

  
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Rose Anne Owen .....

News Limited .....

General Counsel .....

## 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 effected 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.

Company name: JEBRIM, P/L 1/11 ECCO CUBANO UNSW

**Attention:**  
Rose Owen  
General Counsel  
News Limited  
2 Holt Street  
Surry Hills NSW 2010  
Phone: 02 9288 3107  
email: rose.owen@news.com.au

In relation to our confirmation to participate in one or more joint promotions organised and promoted by us, we understand that News Limited will be notifying the Australian Competition and Consumer Commission (ACCC) on our behalf to seek immunity in relation to potential third line forcing conduct.

We further acknowledge and agree that the proposed campaign and our participation in it is subject to gaining immunity from prosecution for third line forcing.

As part of the submission to the ACCC for this purpose, we confirm the following details:

Business Details: **Company name:** JEBRIM, P/L  
**Address:** GATE # 2 116H ST KENSINGTON  
**ABN:** 70 774 109 795

Product/range: **Food & Beverage**

Coverage (which State):

NSW GRAMA BAGLIV authorises News Limited to lodge a notification with the ACCC on behalf of JEBRIM, P/L in respect of the promotional campaigns of the nature described in the Form G which we have approved and further authorises News Limited to deal with any queries from the ACCC on its behalf.

Signature 

As an authorised representative for and on behalf of \_\_\_\_\_

Name GRAMA BAGLIV

Title DIRECTOR

Date 21/1/16



Company name: YOUTH CORPORATION PTY LTD

Attention:  
Rose Owen  
General Counsel  
News Limited  
2 Holt Street  
Surry Hills NSW 2010  
Phone: 02 9288 3107  
email: rose.owen@news.com.au

In relation to our confirmation to participate in one or more joint promotions organised and promoted by us, we understand that News Limited will be notifying the Australian Competition and Consumer Commission (ACCC) on our behalf to seek immunity in relation to potential third line forcing conduct.

We further acknowledge and agree that the proposed campaign and our participation in it is subject to gaining immunity from prosecution for third line forcing.

As part of the submission to the ACCC for this purpose, we confirm the following details:

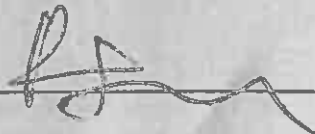
Business Details:      **Company name:** YOUTH CORPORATION PTY LTD  
                                  **Address:** 8 GREENVALE GROVE HORNSBY NSW 20  
                                  **ABN:** 32 165 548 54 1

Product/range:       Food & Beverage

Coverage (which State):

RENG EN YU NSW authorises News Limited to lodge  
a notification with the ACCC on behalf of  
DYNASTY CHINESE RESTAURANT in respect of the promotional campaigns  
of the nature described in the Form G which we have approved and further authorises News  
Limited to deal with any queries from the ACCC on its behalf.

Signature \_\_\_\_\_



As an authorised representative for and on behalf of DYNASTY CHINESE RESTAURANT

Name \_\_\_\_\_

RENG EN YU

Title \_\_\_\_\_

DIRECTOR

Date \_\_\_\_\_

19/01/16

Company name: SANDO FOOD P/L  
(Kanachi Japanese)

Attention:  
Rose Owen  
General Counsel  
News Limited  
2 Holt Street  
Surry Hills NSW 2010  
Phone: 02 9288 3107  
email: rose.owen@news.com.au

In relation to our confirmation to participate in one or more joint promotions organised and promoted by us, we understand that News Limited will be notifying the Australian Competition and Consumer Commission (ACCC) on our behalf to seek immunity in relation to potential third line forcing conduct.

We further acknowledge and agree that the proposed campaign and our participation in it is subject to gaining immunity from prosecution for third line forcing.

As part of the submission to the ACCC for this purpose, we confirm the following details:

Business Details: **Company name:** Sando Food P/L  
**Address:** 426 Cleveland St, Surry Hills, 201  
**ABN:** 97 003 621 225

Product/range: **Food & Beverage** ✓

Coverage (which State): NSW

YASUKO SANDO authorises News Limited to lodge  
a notification with the ACCC on behalf of Sando Food P/L (~~Yasuko Sando~~) (Kanachi Japanese)  
in respect of the promotional campaigns  
of the nature described in the Form G which we have approved and further authorises News  
Limited to deal with any queries from the ACCC on its behalf.

Signature [Signature]

As an authorised representative for and on behalf of Sando Food P/L

Name YASUKO SANDO

Title Owner

Date 15/1/16

Open 6 days 10.30 - 10pm  
CLOSED TUESDAYS.



Company name: NUMBERSEVEN PTY LTD

**Attention:**  
Rose Owen  
General Counsel  
News Limited  
2 Holt Street  
Surry Hills NSW 2010  
Phone: 02 9288 3107  
email: rose.owen@news.com.au

In relation to our confirmation to participate in one or more joint promotions organised and promoted by us, we understand that News Limited will be notifying the Australian Competition and Consumer Commission (ACCC) on our behalf to seek immunity in relation to potential third line forcing conduct.

We further acknowledge and agree that the proposed campaign and our participation in it is subject to gaining immunity from prosecution for third line forcing.

As part of the submission to the ACCC for this purpose, we confirm the following details:

**Business Details:**      **Company name:** NUMBERSEVEN PTY LTD  
**Address:** 9/2 Redleaf Avenue, Wahroonga, NSW, 2076, Australia  
**ABN:** 85 169 412 079

**Product/Range:**      **Food & Beverage**

**Coverage (which State):**

Danielle Mcloughlin authorises News Limited to lodge  
a notification with the ACCC on behalf of  
Danielle Mcloughlin in respect of the promotional campaigns  
of the nature described in the Form G which we have approved and further authorises News  
Limited to deal with any queries from the ACCC on its behalf.

Signature 

As an authorised representative for and on behalf of NUMBERSEVEN PTY LTD

Name Danielle Mcloughlin

Title Director

Date 20-01-2016