



Australian Competition & Consumer Commission

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Our Ref: C2002/399
Contact Officer: Tim Grimwade
Contact Number: (02) 6243 1226

3 April 2002

Mr Martin Algie
Senior Associate
Freehills
GPO Box 128A
MELBOURNE VIC 3001

Dear Mr Algie

Re: Third line forcing exclusive dealing notification No. N90976 – Air New Zealand offer to Diners Club members

I refer to the above third line forcing notification lodged by Freehills with the Australian Competition and Consumer Commission (the Commission) on 14 March 2002. Legal immunity provided by the notification came into force on 28 March 2002.

The notified conduct involves a commercial arrangement between Air New Zealand and Diners Club Pty Ltd, whereby Diners Club members will be offered free membership to Air New Zealand's frequent flyer program (*Air Points Program*) plus a bonus 1000 frequent flyer points (called "*Air Points*"). This offer will be promoted exclusively to Diners Club members and is expected to be open for acceptance until the end of June 2002.

On the basis of the information that you have provided, I do not propose to make inquiries at this time concerning the notified conduct.

Please note that the Commission may act to remove the immunity afforded by this 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.

This letter has been placed upon the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact me on (02) 6243 1226.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Grimwade', written in a cursive style.

Tim Grimwade
General Manager
Adjudication Branch