

# Form G

Commonwealth of Australia  
Trade Practices Act 1974 --- Sub-section 93(1)  
**EXCLUSIVE DEALING  
NOTIFICATION**

To the Australian Competition and Consumer Commission:

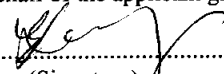
Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d) of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of person giving notice... VODAFONE PTY LIMITED  
.....  
(See Direction 2 on the back of this form)  
(b) Short description of business carried on by that person  
MOBILE TELECOMMUNICATIONS SERVICES  
.....  
(c) Address in Australia for service of documents on that person  
ATTN: CORPORATE COUNSEL, LEVEL 11, TOWER B, 799 PACIFIC  
HIGHWAY, CHATSWOOD NSW 2067  
.....
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates  
VODAFONE LIVE! COMPATIBLE HANDSET  
VODAFONE GOODS OR SERVICES  
.....  
(b) Description of the conduct or proposed conduct  
SEE ANNEXED DOCUMENT  
.....  
(See Direction 4 on the back of this Form)
3. (a) Class or classes of persons to which the conduct relates  
PURCHASERS OF VODAFONE LIVE! COMPATIBLE HANDSET  
.....  
(b) Number of those persons--  
(i) At present time ..... NONE  
(ii) Estimated within the next year ..... 20,000  
(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses  
.....  
.....
4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice  
ELAINE LEONG, CORPORATE COUNSEL, LEVEL 11  
TOWER B, 799 PACIFIC HIGHWAY, CHATSWOOD  
NSW 2067 PH: (02) 9425 8997  
.....

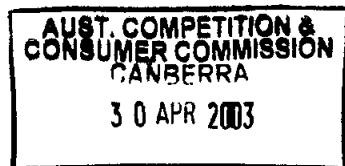
Dated ..... 22 April 2003 .....

Signed by/on behalf of the applicant giving notice

  
.....  
(Signature)

ELAINE LEONG  
.....  
(Full Name)

CORPORATE COUNSEL  
.....  
(Description)



#### DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice
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. In item 1(b), 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 sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

#### NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9) (d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7a) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.

# **NOTIFICATION FOR THIRD LINE FORCING CONDUCT**

## **Statement of Public Benefits**

### **The Promotional Arrangement**

There is a promotional arrangement between Vodafone Pty Limited (“Vodafone”) and selected dealers and mass distributors of Vodafone.

The promotional arrangement consists of various offers which may apply to consumers who purchase a Vodafone live! compatible handset from any selected dealer or mass distributor. Eligible consumers who purchase such a handset will be entitled to certain Vodafone goods or services including but not limited to airtime, TXT or PXT™ credits and other discounts upon connection to a Vodafone call plan. These goods and services will not be available unless the customer has purchased a Vodafone live! compatible handset. It is intended that the offers be available from 21 April 2003.

### **Public Benefits**

There are clear benefits from the proposed conduct:

1. Consumers who purchase a Vodafone live! compatible handset will be entitled to certain Vodafone goods or services including credits or discounts representing a real saving to consumers.
2. The proposed conduct is part of Vodafone’s competitive market behaviour and as such is pro-active.
3. The proposed conduct does not prevent consumers from making normal purchasing decisions based on price and quality for any product.
4. The offer in no way misleads consumers in relation to the price of any product.
5. The offer is not limited to any particular geographical area.

### **Public Detriment**

There does not appear to be any significant potential public detriment from the promotional arrangement. It is possible, but unlikely, that a consumer may complain that they are not entitled to the offer.

Approved for Public Register and  
to be published on the Internet  
YES / NO  
1 5/3

17699.

AUST. COMPETITION &  
CONSUMER COMMISSION  
CANBERRA  
30 APR 2003