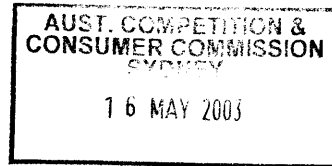


Dell Computer Pty Limited
Unit 3, 14 Aquatic Drive
Frenchs Forest NSW 2086

Telephone: (02) 9930 3355
Facsimile: (02) 9930 3311
ABN 46 003 855 561



FILE No:
DOC:
MARS/PRISM:



16 May 2003

By Courier

Authorisations and Notifications
Australian Competition and Consumer Commission
Level 7, Angel Place
123 Pitt Street
Sydney NSW 2001

Dear Sir

Re: Exclusive Dealing Notification

I enclose Form G, Exclusive Notification, together with a bank check in the sum of \$100.

Please provide a receipt for payment, in due course.

Yours faithfully

A handwritten signature in black ink, appearing to be "Amber Keon".

Amber Keon
Legal Counsel ANZ
Telephone: 8972 5569

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(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) **Name of person giving notice**

Dell Computer Pty Limited (ACN 003 855 561) ("**Dell**")

(b) **Short description of business carried on by that person**

Dell supplies computer hardware and software products and peripherals directly to business and individual consumers.

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

Dell Computer Pty Ltd
Level 1, Building 3
14 Aquatic Drive
Frenchs Forest NSW 2086
Australia

Telephone: (02) 8972-5569

Facsimile: (02) 8972-6569

Attention: Legal Counsel

2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice refers**

Various computer hardware and software products, storage and services and related products and services supplied by Dell including desktop computers, notebooks and servers ("**Dell Products**").

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

Dell proposes to enter into arrangements with American Express pursuant to which Dell proposes to:

- (a) supply or offer to supply to persons a Dell Product at a discount on the condition that the person uses a American

Express Business Card credit card to purchase the Dell Product;

- (b) refuse to supply or refuse to offer to supply to persons a Dell Product at a discount for the reason that the person has not acquired or used a American Express Business Card credit card to purchase the Dell Product;
- (c) give or allow, or offer to give or allow, persons a discount, allowance, rebate or credit in relation to the supply of a Dell Product on the condition that the person uses a American Express Business Card credit card to purchase the Dell Product; or
- (d) refuse to give or allow a discount, allowance, rebate or credit in relation to the supply of a Dell Product to a person for the reason that the person has not acquired or used a American Express Business Card credit card to purchase the Dell product.

The amounts of the discount, allowance, credit or rebate offered by Dell will vary over time from product to product and model to model.

The proposed conduct will be of benefit to the public as it will:

- reduce costs to customers who may be otherwise unable to negotiate discounts, rebates, allowances, credits or other benefits in relation to the Dell Products on their own behalf;
- promote competition in the relevant markets by exerting downward pressure on prices offered by competitors, thereby encouraging competitors to offer similar discounts, rebates, allowances, credits and other value added services; and
- provide both businesses and individual consumers with the opportunity to obtain Dell Products at discounted rates.

The proposed conduct will not lessen competition in the markets for the relevant products and services and will be pro-competitive as:

- consumers will be able to acquire the same Dell Products at the usual price without the need to acquire any credit card services from American Express Business Card. Dell offers a range of payment options for its products, including cheque, cash, telegraphic transfer and Bankcard, Mastercard and VISA credit cards;
- competition in the computer hardware, software and associated services and credit card payment markets is vigorous and there are many competitors;
- consumers may acquire the relevant products and services from a range of other suppliers; and

- consumers will be provided with a further incentive to purchase Dell Products, thus increasing competition in the markets for computer hardware, software and associated services.

The applicant believes that the likely benefits from the proposed conduct outlined above will outweigh any possible detriment considered to arise from the conduct.

3. (a) **Class or classes of persons to which the conduct relates**

The public generally.

(b) **Number of those persons**

Not applicable.

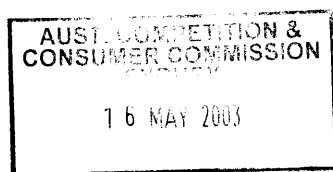
(c) **Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses**

Not applicable.


4. **Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice**

Amber Keon
Legal Counsel
Dell Computer Pty Ltd
Level 1, Building 3
14 Aquatic Drive
Frenchs Forest NSW 2086
Australia

Dated 16 May 2003



Signed by/on behalf of the person giving this notice


.....
(Signature)

Amber Maitland Keon
(Full Name)

Legal Counsel ANZ
Dell Computer Pty Ltd
(Description)