

AUST. COMPETITION &
CONSUMER COMMISSION
SYDNEY
1 4 NOV 2003



vodafone

FILE No:
DOC:
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14 November 2003

By courier

Mr Tim Grimwade
General Manager
Adjudications Branch
Australian Competition and Consumer Commission
c/- Level 7
Angel Place
123 Pitt Street
SYDNEY NSW 2000

Dear Sir

Vodafone Pty Limited ("Vodafone") and Wayne Cooper Pty Limited ("Wayne Cooper")

Please find enclosed Notification pursuant to section 93(1) of the Trade Practices Act 1974 (Cth) and a cheque in the amount of \$100.00 in payment of the filing fee.

The notification is a precautionary measure and we understand that Wayne Cooper will be making its own notification in relation to the proposed conduct.

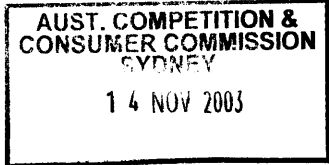
If you require any further information, please do not hesitate to contact me.

Yours faithfully,

Lisa Martin
Corporate Counsel

Vodafone Pty Ltd
ABN 76 062 954 554
Citadel Towers, 799 Pacific Hwy
Chatswood NSW 2067, Australia
Telephone +61 (0) 2 9415 7000

Vodafone Network Pty Ltd
ABN 31 081 918 461
Locked Bag 1581,
Chatswood NSW 2067, Australia



Form G

N.031265

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
ATTENTION: CORPORATE COUNSEL LEVEL 11 TOWER B,
799 PACIFIC HWY CHATSWOOD NSW 2067

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates
DISCOUNT ON WAYNE COOPER CLOTHING TO CERTAIN
VODAFONE CUSTOMERS

(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
VODAFONE 'EXECUTIVE CLUB' MEMBERS

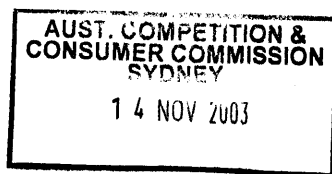
(b) Number of those persons--
(i) At present time APPROX. 40,000
(ii) Estimated within the next year N/A

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

4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice..... LISA MARTIN CORPORATE COUNSEL, LEVEL 11 TOWER B
799 PACIFIC HWY CHATSWOOD NSW 2067
PH: (02) 9415 7209

Dated 7 November 2003

Signed by/on behalf of the applicant giving notice



LISA MARTIN
(Signature)

LISA MARTIN
(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 Benefit

The Promotional Arrangement

There is an agreement between Vodafone Pty Limited ("Vodafone") and Brave Men and Women Pty Ltd ("Wayne Cooper") for the sponsorship by Vodafone of Wayne Cooper ("the Agreement"). One of the benefits provided by Wayne Cooper to Vodafone pursuant to the Agreement is a 10% discount to certain Vodafone customers from 1 December 2003 to 31 December 2003 at Wayne Cooper stores. This discount will be available to Vodafone 'Executive Club' members – currently customers who spend at least \$150.00 monthly and have satisfied all requirements of the membership of the Vodafone 'Executive Club'.

Public Benefits

There are clear benefits from the proposed conduct:

1. High spend Vodafone Customers who are 'Executive Club' members are entitled to the discount at Wayne Cooper outlets representing a real saving to those Executive Club members.
2. The proposed conduct is part of Vodafone's competitive market behaviour and as such is proactive.
3. The proposed conduct does not prevent customers from making normal purchasing decisions based on price and quality for any product.
4. The proposed conduct in no way misleads consumers in relation to the price of any product.
5. The proposed conduct promotes competition in the telecommunications industry
6. The proposed conduct promotes competition in the retail and fashion industries.
7. The offer is open to all customers in Queensland, New South Wales and Victoria.

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. However, the proposed offer is for a limited duration and the number of consumers who are potentially affected is negligible. Consumers can still acquire Vodafone services without acquiring goods from Wayne Cooper.