

MALLESONS STEPHEN JAQUES

D04/50617

Regional Director
Australian Competition and Consumer Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne Vic 3000

14 October 2004

N40777

Dear Sir

Exclusive Dealing Notification - sub-sections 47(6) and (7) of the Trade Practices Act 1974

I refer to Telstra's letter to the Commission dated 18 November 2003 ("**November 2003 Letter**"), and the Commission's letter to Amanda Bodger of Mallesons Stephen Jaques dated 15 January 2004 ("**Commission Response**").

November 2003 Letter and Commission Response

The November 2003 Letter:

- (a) outlined conduct proposed to be engaged in by Telstra Licensed Shops that are operated by third parties under licence from Telstra, which conduct ("**Notified Conduct**") is summarised below; and
- (b) enclosed notices in relation to the Notified Conduct in accordance with sub-section 93(1) of the Trade Practices Act 1974.

The Commission Response notified Telstra that immunity from the Trade Practices Act came into effect in relation to the Notified Conduct on 3 December 2003, and that, on the basis of the information provided to the Commission, the Commission did not intend to take any further action in relation to the matter at that stage.

The Notified Conduct

Telstra undertakes campaigns to promote its mobile services from time to time. In accordance with the notices enclosed with the November 2003 Letter, certain Telstra Licensed Shop licensees currently participate in these campaigns by offering certain inducements to customers on condition that they acquire or agree to acquire mobile services or particular mobile plans from Telstra.

New licensees

From time to time Telstra appoints new licensees to operate Telstra Licensed Shops. When this occurs, Telstra lodges new notices in accordance with sub-section 93(1) of the Trade Practices Act 1974 on behalf of those entities.

MALLESONS STEPHEN JAQUES

Australian Competition and Consumer Commission

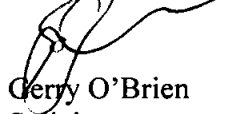
14 October 2004

This letter encloses five new notices that Telstra is lodging in accordance with sub-section 93(1) of the Trade Practices Act 1974, on behalf of entities recently appointed as a licensee by Telstra to operate Telstra Licensed Shops. These new licensees, listed in the attachment to this letter, propose to engage in the Notified Conduct.

Also enclosed is a cheque for \$500 for the fees payable in respect of lodgment of the five new notices.

Please feel free to contact Gerry O'Brien on (03) 9643 4472 if you have any queries or comments.

Yours sincerely



Gerry O'Brien
Solicitor

Direct line +61 3 9643 4472

Direct fax +61 3 9643 5999

Exclusive Dealing: Notification

Trade Practices Act 1974 - sub-section 93(1)

Attachment: List of new Telstra Licensed Shop licensees

No.	Name	ABN/ACN
1	Rantar Pty Ltd	ABN 72 108 156 127
2	BJ & JLW Enterprises Pty Ltd	ABN 73 089 181 790
3	Australian Crystal Telecommunications Pty Ltd	ABN 76 107 531 635
4	MPBH Pty Ltd	ABN 13 958 298 598
5	Artanda Pty Ltd	ABN 76 071 920 806



7 June 2004

Dale McPhan & Troy Wiseman
Rantar Pty Ltd
ABN 72 108 156 127
21 Murphy Street
Wangaratta VIC 3677

Dear Troy & Dale

Third line forcing notification to the Australian Competition and Consumer Commission ("ACCC")

I refer to the suite of agreements provided to you by Telstra ("TLS Agreements") which, if executed by you and by Telstra, would authorise you to operate a Telstra Licensed Shop.

From time to time, Telstra Licensed Shops licensees are authorised to participate in campaigns conducted by Telstra to encourage customers to acquire mobile services or particular mobile plans from Telstra. As part of participation in these campaigns, licensees may wish to offer customers certain inducements on condition that the customer acquires or agrees to acquire mobile services from Telstra (the "proposed offer").


As you may be aware, the proposed offer would constitute "third line forcing" and would be prohibited by the *Trade Practices Act 1974* (Cth) unless the ACCC is notified of the proposed offer in accordance with sub-section 93(1) of that Act.

By signing the consent form below you authorise our solicitors to lodge a notice on your behalf with the ACCC. This will only occur if you enter into the TLS Agreements. Telstra has agreed to pay the requisite fees. Attached to this letter is a template of the notice that would be sent to the ACCC ("Form G"), with relevant details added, which you should review.

**WE NEED TO LODGE THESE NOTIFICATIONS AS SOON AS POSSIBLE.
PLEASE SIGN THE CONSENT FORM BELOW AND
RETURN IT TO TELSTA.**

If you have any questions relating to this letter, please contact Telstra.

Yours sincerely


Natalie De Paola
For and on behalf of
Telstra Corporation Limited

We authorise Mallesons Stephen Jaques to give the Australian Competition and Consumer Commission notice of conduct set out in the attached draft Form G.

Signature: 

Name: DALE MCPHAN

Position: DIRECTOR

TLS: WANGARATTA

Telstra

7 June 2004

Mr Beverly & Darren Wilsons
BJ & JLW Enterprises Pty Ltd
ABN 73 089 181 790
Shop DG23B, Canberra Centre
City Walk
Canberra ACT 2600

Dear Bev & Darren

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("ACCC")**

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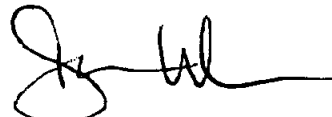
Yours sincerely



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For and on behalf of
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Signature:



Name:

DARREN WILSON

Position:

LICENSEE

TLS:

CANBERRA CENTRE, ACT.

7 June 2004

Peter Bennet-Hullin
 MPBH Pty Ltd
 ABN 13 958 298 598
 150 Main Street
 Mornington VIC 3931

Dear Peter

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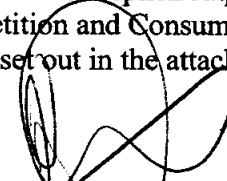
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Signature: 

Name: **PETER BENNETT-HULLIN**

Position: **DIRECTOR**

TLS: **MORNINGTON**

Telstra Corporation Limited
 ABN 33 051 775 556

24 June 2004

Matthew McGrath & Joe Khoury
Australian Crystal Telecommunications Pty Ltd
ABN 76 107 531 635
Telstra Licensed Shop Campbelltown
Shop L03, U047, Macarthur Square,
Gilchrist Drive,
Ambarvale NSW 2560

Dear Joe, Matthew

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Signature:



Name:

M. McGrath

Position:

Director

TLS:

Mallesons Stephen Jaques

7 July 2004

Russell Paine
Artanda Pty Ltd
ABN 76 071 920 806
10-12 Manning Street
Taree NSW 2430

Dear Russell

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("ACCC")**

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Signature:



Name:

RUSSELL PAINE

Position:

DIRECTOR

TLS:

TAREE