



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: N91620 & N91621  
Contact Officer: Gavin Jones  
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9 March 2005

Ms Josephine Johnston  
Senior Legal Counsel  
FOXTEL Management Pty Limited  
GPO Box 99  
SYDNEY NSW 2001

Dear Ms Johnston

**Third line forcing notifications lodged by  
FOXTEL Management Pty Limited (N91620 & N91621)**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the Commission) on 21 February 2005. The notifications have been placed on the Commission's public register.

FOXTEL has described the conduct the subject of notification N91620 as follows:

FOXTEL intends to commence a promotion on 28 February 2005 (ceasing on 28 February 2006 or earlier if stocks run out) offering new FOXTEL Digital subscribers a free FOXTEL Digital standard metro installation and a free 12 month subscription to FOXTEL Digital's channel package known as "Big Value" if they purchase a new home built in Victoria by Simmonds Homes.

Foxtel has described the conduct the subject of notification N91621 as follows:

Foxtel intends to commence a promotion on 28 February 2005 (ceasing on 30 May 2005 or earlier if stocks run out) offering new FOXTEL Digital subscribers (not migrating subscribers) a free FOXTEL Digital standard metropolitan installation if they subscribe to FOXTEL Digital's channel package known as "Big Value" on a 24 month direct debit plan if they purchase a carton of Tooheys New from selected liquor outlets across New South Wales and the Australian Capital Territory.



Legal immunity conferred by the notifications commenced on 7 March 2005.

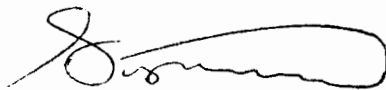
On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

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

I also note that the lodgement fee paid in respect of these notifications was \$100 more than the required amount. Please find enclosed a cheque for the overpaid amount.

This letter has been placed on the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Gavin Jones on (03) 9290 1959.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson  
A/g General Manager  
Adjudication Branch