



**Australian
Competition &
Consumer
Commission**

Our Ref: C2004/1961
Contact Officer: Gavin Jones
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12 January 2005

Ms Valentina Josifovski
Lawyer
PO Box 841
JAMISON CENTRE ACT 2614

Dear Ms Josifovski

**Third line forcing notifications lodged by
Primus Telecommunications Pty Limited (N91573)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 17 December 2004. The notification has been placed on the Commission's public register.

Primus described the conduct as:

Primus giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit on its Telephony Services or its Internet Services on the condition that the customer acquires or agrees to acquire health or home and contents insurance from Australian Unity Health Limited (**Australian Unity**).

Primus refusing to give or allow, or refusing to offer to give or allow, a discount, allowance, rebate or credit in relation to its Telephony Services or Internet Services for the reason that the customer has not acquired or agreed to acquire health or home and contents insurance from Australian Unity.

Legal immunity conferred by the notification commenced on 31 December 2004.

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

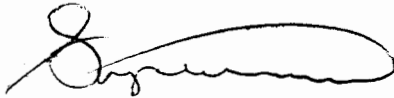
Please note that the Commission may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.



I also note that on 21 December 2004, you sought to clarify that the condition to acquire services from Australian Unity was intended to extend to Australian Unity General Insurance Limited in addition to Australian Unity Health Limited. I note that the notification process under the *Trade Practices Act 1974* does not provide for the amendment of notifications. In this respect, while it is not intended that further action be taken in relation to the notification at this stage, and while your clarification will be placed on the public register, you may wish to consider the extent of protection afforded by the notification.

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, sweeping horizontal stroke extending to the right.

Scott Gregson
A/g General Manager
Adjudication Branch