



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2005/1180  
Your Ref: PJA.AJT.02-1383-8501  
Contact Officer: Michael Green  
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2 September 2005

Mr Peter Armitage  
Partner, Blake Dawson Waldron  
Locked Bag N6  
Sydney NSW 1225

Dear Mr Armitage

**Re: Third line forcing notifications lodged by Visa International Service Association (VISA), Wotif.com Holdings Pty Ltd (WOTIF) and Blake Advertising Pty Ltd (Blake) notifications – N91882, N91883, N31407 and N31408.**

I refer to the notifications lodged by VISA (N91882, N91883), WOTIF (N31407) and Blake (N31408) with the Australian Competition and Consumer Commission (the ACCC) on 15 July 2005. The notifications have been placed on the public register.

You have described the conduct as follows:

*N91882 and N31407*

VISA has entered into an arrangement with WOTIF whereby VISA Cardholders have the opportunity to take advantage of the WOTIF Offers by purchasing the relevant products or services using their VISA card.

The relevant WOTIF Offers are:

- (i) Hilton Sydney Opening Special – Receive a complimentary upgrade to a Hilton Deluxe Room and also receive a complimentary drink voucher redeemable at the Marble Bar/Package will be available from \$270 per night (ordinarily \$520 per night) when booking and paying with VISA card via a VISA-hoted website or via a VISA link on the WOTIF website.
- (ii) Other similar offers of WOTIF products including:
  - Free upgrades for VISA Cardholders to the next available room type
  - Added value, ie. buy two nights and get a third free, or a free movie ticket or other added value (free breakfast etc.).
  - Discounts on room rates, ie. 10% off price of a standard or deluxe room.



N91883 and N31408

VISA has entered into an arrangement with Blake whereby VISA Cardholders have the opportunity to take advantage of the Blake Offers by purchasing the relevant products or services using their VISA card.

The relevant Blake Offers are:

- (i) Save up to \$16.50 on adult tickets when paying with VISA card for tickets to the Sydney Theatre Company's "summer Rain" via a VISA-hosted website.
- (ii) Save up to \$10 on adult tickets when paying with VISA card for tickets to the showing of the Bell Shakespeare production "Measure for Measure" at the Arts Centre Melbourne, Playhouse and Sydney Opera House via a VISA-hosted website.
- (iii) Save \$5 on adult tickets when paying with VISA card for tickets to "Saturday Night Fever" the Musical in Brisbane via a VISA hosted-website.
- (iv) Other similar Blake products including:
  - Discounts on concerts and theatrical productions.
  - Added Value offers on theatre or concert packages, ie. book two tickets and get a free bottle of wine, program etc.
  - Packaged Experiences – access to seats at concerts and theatrical productions packaged with accommodation discounts (subject to event).VISA will enter into an arrangement with Ticketek whereby VISA Cardholders have the opportunity to take advantage of the Ticketek Offers by purchasing the relevant products or services using their VISA card.

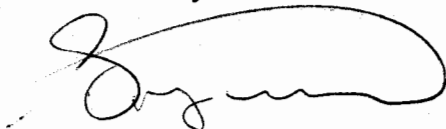
The Ticketek Offers are listed in the Form G lodged with the ACCC at question 2.(a) i) - x).

Legal immunity conferred by the notifications commenced on 29 July 2005.

On the basis of the information that you have provided, it is not intended that further action be taken in these matters at this stage. However, I note that the conduct you have described is potentially broad in nature. Please be aware that the ACCC may act to remove the immunity afforded by these notifications at a later stage if it is satisfied that the likely public benefit to the public from any specific arrangements under the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of these matters, please do not hesitate to contact Michael Green on 03 9290 1960.

Yours sincerely



Scott Gregson  
A/g General Manager  
Adjudication Branch