



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2005/1138  
Contact Officer: Michael Green  
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6 September 2005

Ms Amanda Bodger  
Mallesons Stephen Jaques  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000

Dear Ms Bodger

**Re: Third line forcing notifications N40890 and N40908 lodged by  
Sensis Pty Ltd (Sensis)**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 12 July 2005 and 5 August 2005 respectively. These notifications have been placed on the ACCC's public register and legal immunity conferred by each of the notifications has commenced.

I am seeking further information in relation to conduct described in these notifications.

The notified conduct, as described in both notifications, appears to cover a very broad range of conduct. I am concerned that it is difficult for the ACCC to adequately assess the public benefits and detriments of the notified conduct when a more detailed description of the nature and level of discounts or other offers is not defined.

As such, I would appreciate further information in relation to the specific offers that Sensis will make to customers under the notified conduct, including further information as to the expected amount of any discounts or other offers.

Also, as you are aware, notification has the effect of affording immunity to the person notifying the conduct. The *Trade Practices Act 1974* (the TPA) does not appear to enable a person to notify on others' behalf. On the basis of the information contained in your lodgement forms, it appears that the companies for which Sensis is acting as an agent may also be engaging in the notified conduct.

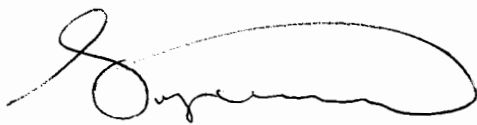
On the basis that these companies have not specifically notified under section 93 of the TPA, in my view there is some legal doubt as to whether the immunity afforded by the notification extends to these companies. They may therefore wish to consider whether they need to lodge separate notifications.

It would be appreciated if you could provide additional information in relation to the notified conduct, as requested above, by **15 September 2005**.



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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish at the end.

Scott Gregson  
A/g General Manager  
Adjudication Branch