



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2005/1308 & C2005/1138  
Contact Officer: Gavin Jones  
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29 September 2005

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

Dear Ms Bodger

**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) by Sensis on 12 July 2005 and 5 August 2005 respectively.

Legal immunity conferred by the notifications commenced on 26 July 2005 and 19 August 2005 respectively.

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 the 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.

In your letter of 20 September 2005, providing further information in respect of the notified arrangements, you sought confirmation from the ACCC of whether or not the immunity afforded to Sensis by the notifications extends to all companies for which Sensis is acting as an agent.



Please note that the ACCC is unable to provide legal advice. However, I am able to offer the following general comments in respect of the notified arrangements.

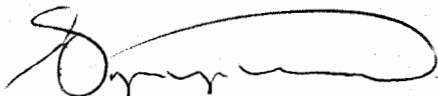
As noted in my letter of 6 September 2005, notification has the effect of affording immunity to the person notifying the conduct. The *Trade Practices Act 1974* (the TPA) does not appear to enable a person to notify on others' behalf.

On the basis that the companies for which Sensis is, or proposes to, act as an agent 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 notifications extends to these companies.

However, whether these companies need to lodge separate notifications is ultimately a matter for them to consider.

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 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