



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: N31355  
Contact Officer: Gavin Jones  
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30 January 2005

Mr Patrick Gay  
Senior Associate  
Freehills  
GPO Box 4227  
SYDNEY NSW 2001

Dear Mr Gay

**Third line forcing notification lodged by  
Vodafone Pty Limited (N31355)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 18 January 2005. The notification has been placed on the Commission's public register.

Vodafone has described the conduct as follows:

Vodafone proposes to offer a discount on the Super Cap, namely waiving the second month fee, on condition that an individual purchases a vehicle during the promotional period from Von Bibra Motors.

Vodafone describes the Super Cap as a service which offers a variety of telecommunication services including up to \$500 worth of standard calls, text messaging services, picture messaging services and voicemail services for a capped fee of \$79 per month payable in arrears.

Vodafone states that the promotional offer the subject of the notification consists of an offer to all individuals who purchase a vehicle at a Von Bibra car dealership in Southport Queensland, Biggera Waters Queensland or Tweed Heads NSW, between 1 February 2005 and 31 March 2005. Specifically, Vodafone state that the notified offer involves the waiving of the \$79 cost of the Super Cap for the second month of service, provided the customer pays for the cost of the Super Cap for the first month.

Legal immunity conferred by the notification will commence on 1 February 2005.

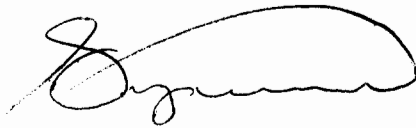


On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

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

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 large, sweeping flourish at the end.

Scott Gregson  
A/g General Manager  
Adjudication Branch