



**Australian
Competition &
Consumer
Commission**

Our Ref: N40822 *C2005/103*
Contact Officer: Neera Stephenson
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11 January 2005

Mr Lucas Robertson
Lawyer
Kmart Australia Ltd
800 Toorak Road
TOORONGA VIC 3146

Dear Mr Robertson

**Re: Third line forcing notification lodged by
Kmart Australia Ltd (N40822)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 6 January 2005.

You have described the conduct in respect of this notification as a promotional offer of a 10% discount on Tony Hawk's Underground 2 videogame (PS2, Xbox, Game Cube, GBA & PC versions) to customers upon presentation of a Hoyts cinemas movie ticket stub with a discount voucher. This promotion is due to take place over approximately 5 weeks during January and February 2005. Legal immunity provided by the notification will come into force on 20 January 2005.

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

As with any notification, please note that the ACCC 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 ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Neera Stephenson on 6243 1368.

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