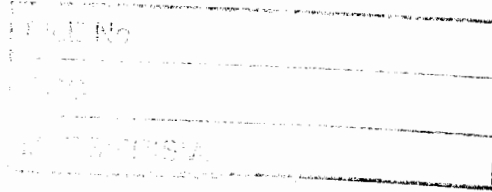


Our reference  
SCK/RA/MOBI0360-9013187

Bourke Place  
600 Bourke Street Melbourne VIC 3000  
GPO Box 9925 VIC 3001  
Tel (03) 9672 3000  
Fax (03) 9672 3010  
[www.corrs.com.au](http://www.corrs.com.au)

**CORRS  
CHAMBERS  
WESTGARTH**  
lawyers

24 February 2005



Sydney  
Melbourne  
Brisbane  
Perth  
Canberra  
Gold Coast

**By express post**

Mr Scott Gregson  
Acting General Manager of Adjudication  
Branch  
Australian Competition and Consumer  
Commission  
PO Box 1199  
DICKSON ACT 2602

**Contact**  
Robert Armstrong (03) 9672 3337  
Email: [robert.armstrong@corrs.com.au](mailto:robert.armstrong@corrs.com.au)

**Partner**  
Stephen Kroker

Dear Mr Gregson

## **Mobileworld Operating Pty Ltd trading as Crazy John's ("Crazy John's") - Third Line Forcing Notifications**

We act for Crazy John's and **attach** a:

- notification in accordance with Section 93(1) of the *Trade Practices Act 1974* (the "**Act**"), concerning the proposed supply of mobile telephones free of charge to customers on the condition that those customers acquire internet ADSL access kits from Telstra Corporation Ltd ("**Telstra**");
- notification in accordance with Section 93(1) of the Act, concerning the proposed supply of internet ADSL access kits free of charge to customers on the condition that those customers acquire mobile telephones on a Telstra mobile telephone service access plan; and
- cheque for \$200 in payment of the applicable statutory fee for the two attached notifications.

If you have any queries, please contact Stephen Kroker on (03) 9672 3494.

Yours faithfully  
**Corrs Chambers Westgarth**

**Stephen Kroker**  
Partner



**attachments**

COMMONWEALTH OF AUSTRALIA

*Trade Practices Act 1974 - Sub-section 93(1)*

EXCLUSIVE DEALING

NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act (Cth) 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or (9)(a), (b), (c) or (d) of that Act in which the person giving notice engaged or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

1 (a) Name of persons giving notice

MobileWorld Operating Pty Ltd ABN 49 090 451 433 trading as Crazy John's ("**Crazy John's**")

(b) Short description of business carried on by those persons

Crazy John's supplies mobile telephones and communications equipment to retail customers.

(c) Address in Australia for service of documents on that person

c/- Corrs Chambers Westgarth  
600 Bourke Street  
MELBOURNE VIC 3000  
Reference: Stephen Kroker

2 (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates.

- The supply of mobile telephones.
- The supply of modems and necessary software used for accessing the internet via Asymmetrical Digital Subscriber Line (ADSL) services ("**ADSL Kits**").

(b) Description of the conduct or proposed conduct

Crazy John's proposes to supply and offer to supply an ADSL Kit (which may only be used to access Telstra BigPond ADSL services ("**BigPond ADSL Kit**") free of charge (as agent for Telstra Corporation Ltd ("**Telstra**")) to retail customers on the condition that those customers acquire a mobile telephone for \$0 upfront (from Crazy John's) and a Telstra mobile telephone services access plan (from Crazy John's as agent for Telstra).

(See Direction 4 on the back of this Form)

3 (a) Class or classes of persons to which the conduct relates

- Actual and potential purchasers of mobile telephone services that include provision of a mobile telephone for \$0 upfront from Crazy John's.
- Actual and potential purchasers of BigPond ADSL Kits from Crazy John's.
- Crazy John's, as supplier of mobile telephones.
- Telstra, as a supplier of BigPond ADSL Kits, ADSL services and mobile telephone services.

(b) Number of those persons -

(i) At the present time

All potential purchasers of mobile telephone services that include provision of a mobile telephone for \$0 upfront, and/or all potential purchasers of BigPond ADSL Kits, to whom this promotion may appeal.

(ii) Estimated within the next year

Unknown, but more than 50.

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses

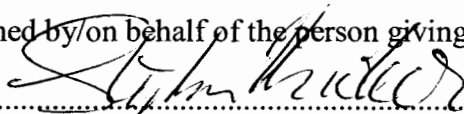
Not applicable.

4 Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Stephen Kroker  
Partner  
CORRS CHAMBERS WESTGARTH  
600 Bourke Street  
MELBOURNE VIC 3000

Dated 24 February, 2005

Signed by/on behalf of the person giving this notice

  
.....  
(Signature)

.....  
STEPHEN KROKER  
.....  
(Full Name)

.....  
PARTNER, CORRS CHAMBERS WESTGARTH  
.....  
(Description)

### DIRECTIONS

- 1 If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbers consecutively and signed by or on behalf of the person giving the notice.
- 2 If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
- 3 In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
- 4 If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be furnished with the notice.
- 5 In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
- 6 In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving notice is likely to deal in the course of engaging in the conduct at any time during the next year.

### NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.

## COMMONWEALTH OF AUSTRALIA

*Trade Practices Act 1974 - Sub-section 93(1)*

## EXCLUSIVE DEALING

## NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act* (Cth) 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or (9)(a), (b), (c) or (d) of that Act in which the person giving notice engaged or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

- 1 (a) Name of persons giving notice
- MobileWorld Operating Pty Ltd ABN 49 090 451 433 trading as Crazy John's ("Crazy John's")
- (b) Short description of business carried on by those persons
- Crazy John's supplies mobile telephones and communications equipment to retail customers.
- (c) Address in Australia for service of documents on that person
- c/- Corrs Chambers Westgarth  
600 Bourke Street  
MELBOURNE VIC 3000  
Reference: Stephen Kroker
- 2 (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates.
- The supply of mobile telephones.
  - The supply of modems and necessary software used for accessing the internet via Asymmetrical Digital Subscriber Line (ADSL) services ("ADSL Kits").
- (b) Description of the conduct or proposed conduct
- Crazy John's proposes to supply and offer to supply an ADSL Kit (which may only be used to access Telstra BigPond ADSL services ("BigPond ADSL Kit") free of charge (as agent for Telstra Corporation Ltd ("Telstra")) to retail customers on the condition that those customers acquire a mobile telephone for \$0 upfront (from Crazy John's) and a Telstra mobile telephone services access plan (from Crazy John's as agent for Telstra).

(See Direction 4 on the back of this Form)

3 (a) Class or classes of persons to which the conduct relates

- Actual and potential purchasers of mobile telephone services that include provision of a mobile telephone for \$0 upfront from Crazy John's.
- Actual and potential purchasers of BigPond ADSL Kits from Crazy John's.
- Crazy John's, as supplier of mobile telephones.
- Telstra, as a supplier of BigPond ADSL Kits, ADSL services and mobile telephone services.

(b) Number of those persons -

(i) At the present time

All potential purchasers of mobile telephone services that include provision of a mobile telephone for \$0 upfront, and/or all potential purchasers of BigPond ADSL Kits, to whom this promotion may appeal.

(ii) Estimated within the next year

Unknown, but more than 50.

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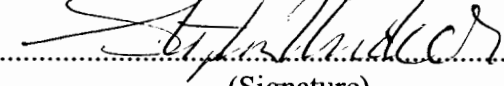
Not applicable.

4 Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Stephen Kroker  
Partner  
CORRS CHAMBERS WESTGARTH  
600 Bourke Street  
MELBOURNE VIC 3000

Dated 24 February, 2005

Signed by/on behalf of the person giving this notice

  
.....  
(Signature)

.....  
STEPHEN KROKER  
.....  
(Full Name)

.....  
PARTNER, CORRS CHAMBERS WESTGARTH  
.....  
(Description)

### DIRECTIONS

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- 3 In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
- 4 If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be furnished with the notice.
- 5 In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
- 6 In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving notice is likely to deal in the course of engaging in the conduct at any time during the next year.

### NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.