

Our reference
SCK/RA/MOBI0360-

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**CORRS
CHAMBERS
WESTGARTH**
lawyers

3 March 2005

Sydney
Melbourne
Brisbane
Perth
Canberra
Gold Coast

By courier

Mr Gavin Jones
Acting Director - Adjudication Branch
Australian Competition and Consumer
Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne Central
MELBOURNE VIC 3000

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

Partner
Stephen Kroker

FILE No:
DOC: D05/9834
MARS/PRISM:

Dear Mr Jones

Mobileworld Operating Pty Ltd Trading as Crazy John's ("Crazy John's") - Third Line Forcing Notification

We act for Crazy John's and attach a:

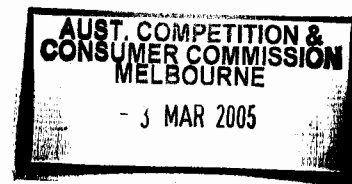
- notification in accordance with Section 93(1) of the *Trade Practices Act 1974* (the "Act"), concerning the proposed supply of mobile telephones free of charge to customers on the condition that those customers acquire internet ADSL access kits from Telstra Corporation Ltd; and
- cheque for \$100 in payment of the applicable statutory fee for the attached notification.

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

Yours faithfully
Corrs Chambers Westgarth



Stephen Kroker
Partner



attachments

FORM G

Regulation 9

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 two pre-paid Motorola C201 mobile telephones free of charge to retail customers on the condition that those customers purchase an ADSL Kit (which may only be used to access Telstra BigPond ADSL services) ("BigPond ADSL Kit") from Crazy John's acting as agent for Telstra Corporation Ltd ("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 pre-paid Motorola C201 mobile telephones or equivalent alternative pre-paid mobile telephones 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 pre-paid Motorola C201 mobile telephones or equivalent alternative pre-paid mobile telephones, 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... 3 March, 2005

Signed by/on behalf of the person giving this notice

Stephen Kroker
.....
(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 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.