

Partner Simon Snow  
Contact Charlie Beasley  
T +61 2 9263 4349  
cbeasley@gtlaw.com.au  
Our ref SHS:CXB:260343



|           |
|-----------|
| FILE NO   |
| DOC       |
| MAN/PRISM |

**24 March 2006**

**By hand**

Scott Gregson  
Australian Competition & Consumer Commission  
Level 7  
Angel Place  
123 Pitt Street  
SYDNEY NSW 2000  
AUSTRALIA

Gilbert + Tobin  
2 Park Street  
Sydney NSW 2000  
Australia  
GPO Box 3810  
Sydney NSW 2001  
T +61 2 9263 4000  
F +61 2 9263 4111  
DX 10348 SSE  
www.gtlaw.com.au

Dear Mr Gregson

**Notification of exclusive dealing**

We enclose a notification relating to third line forcing on behalf of Vodafone Pty Limited (ACN 062 954 554).

We also enclose a cheque for \$100 being the required filing fee.

Please advise if the Commission is requires further information.

Yours sincerely

**Simon Snow**  
Partner  
T +61 2 9263 4246  
ssnow@gtlaw.com.au



N31561

**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 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engages or proposes to engage.

**1. (a) Name of person giving notice:**

Vodafone Pty Limited, ACN 062 954 554 (Vodafone)

**(b) Short description of business carried on by that person:**

The supply of mobile telecommunications goods and services.

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

Simon Snow  
Partner, Gilbert + Tobin  
Level 37, 2 Park Street  
Sydney, NSW 2000.

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

The supply of mobile telecommunications goods and services, and computer equipment and peripherals.

**(b) Description of the conduct or proposed conduct:**

See Attachment A.

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

Persons who acquire, or will acquire, computer equipment and/or peripherals from Dell Pty Limited.

(b) **Number of those persons:**

(i) At present time: Unknown.

(ii) Estimated within the next year: Unknown.

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

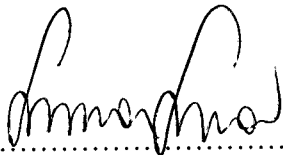
Not applicable.

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

Simon Snow  
Partner, Gilbert + Tobin  
Level 37, 2 Park Street  
Sydney, NSW 2000

Date: 24 March 2006

Signed on behalf of the applicant giving notice:



.....  
Simon Snow  
Partner  
Gilbert + Tobin



## DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered 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 subsection 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 provided 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 the 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 subsection 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 subsection 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 subsection 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.

## ATTACHMENT A

### 1. NOTIFYING PARTY

#### **Vodafone Pty Limited (ACN 062 954 554)**

Vodafone Pty Limited (**Vodafone**) is a telecommunications company that supplies mobile telecommunications goods and services to customers in Australia.

### 2. PROPOSED CONDUCT

Vodafone proposes to offer customers a discount off the price of nominated Vodafone telecommunications goods and services on the condition that the customer acquires, or has acquired, nominated computer equipment and/or peripherals from Dell Pty Ltd (ACN 009 723 451) (**Dell**) during nominated promotional periods.

Details of the offers will be set out in the advertising and promotional material for particular offers, including:

- (a) details of the relevant Vodafone telecommunications goods and services and the amount of any discount available under the particular offer;
- (b) details of the Dell computer equipment and/or peripherals to which the particular offer relates; and
- (c) the period during which the offer will be available.

By way of example, the proposed conduct will include, but not be limited to, Vodafone offering a discount of \$200 off the regular retail price of a Vodafone Mobile Connect (**VMC**) card on the condition that the customer acquires or has acquired a notebook (i.e. a laptop computer) from the Dell Inspiron 710m range from Dell during April and May 2006.

VMC is a GPRS (General Pack Radio Service) and 3G data service which enables notebooks to wirelessly connect to the Internet via Vodafone's network. The VMC card plugs into the notebook to provide the network connection.

Vodafone may refuse to offer the relevant discount to persons who have not acquired nominated computer equipment and/or peripherals from Dell during the relevant promotional period.

### 3. PUBLIC BENEFIT/PUBLIC DETRIMENT

The proposed conduct will be of benefit to the public as it will:

- provide customers with substantial savings on the cost of Vodafone telecommunications goods and services;
- promote competition in the relevant markets by encouraging competitors of Vodafone to offer similar promotional discounts.

Vodafone also considers that the proposed conduct will not result in any lessening of competition because:

- the customer is free at all times to acquire the relevant telecommunications goods and services from Vodafone at normal rates without any obligation to purchase computer equipment or peripherals from Dell;
- the customer is free at all times to acquire telecommunications goods and services from other suppliers.

Vodafone's proposed conduct provides a tangible benefit and no detriment to the consumer. It further causes no detriment to any competitor of Vodafone beyond legitimate competitive conduct.