

# MALLESONS STEPHEN JAQUES

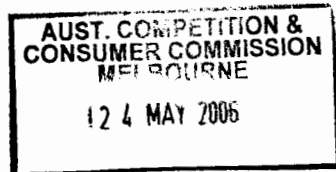
Regional Director  
Australian Competition and  
Consumer Commission  
Level 35, The Tower  
360 Elizabeth Street  
Melbourne Central  
Melbourne Vic 3000

FILE No:

DOC:

MARS/PRISM:

24 May 2006



Dear Sir/Madam

## Notification of Third Line Forcing Exclusive Dealing

Please find enclosed for lodgement an exclusive dealing notification on behalf of Telstra Corporation Limited, ABN 33 051 775 556, together with a cheque for the applicable lodgement fee of \$1000.00.

Please do not hesitate to contact me should you have any queries or comments.

Yours sincerely

Amanda Bodger  
Partner  
Direct line +61 3 9643 4069  
Direct fax +61 3 9643 5999  
Email [amanda.bodger@mallesons.com](mailto:amanda.bodger@mallesons.com)

Encl 1

**EXCLUSIVE DEALING NOTIFICATION**

Commonwealth of Australia

*Trade Practices Act 1974* — Subsection 93(1)

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974* of particulars of conduct or of proposed conduct of a kind referred to in subsection 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 engages or proposes to engage.

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

Telstra Corporation Limited, ABN 33 051 775 556

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

Telstra supplies a range of telecommunications products and services to retail customers. These include mobile phones and post-paid and pre-paid mobile phone plans.

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

Amanda Bodger  
Mallesons Stephen Jaques  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000  
Tel: 9643 4069

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

Coke Live is a youth-targeted website provided by Coca Cola South Pacific Pty Ltd (ABN 50 003 029 794). To use the website, customers must register as members of Coke Live by providing personal information and creating a customer profile. There is no charge to register. When Coke Live members purchase Coca Cola products, they receive Coke Live points which can be redeemed against various products, including music concerts. There are approximately 200,000 active Coke Live members.

Telstra proposes to offer the Motorola V3 handset ("**Promotional Handset**") at a discounted price of \$269 (usual RRP \$299), with 200 Coke Live points and \$5 call credit to Coke Live members who purchase the Promotional Handset on the Coke Live website.

Telstra proposes to engage in this conduct between 4 July 2006 and 4 September 2006.

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

Telstra proposes to:

- (i) supply or offer to supply to customers the Promotional Handset; and
- (ii) give or allow, or offer to give or allow, a discount on the supply of or proposed supply of the usual price of the Promotional Handset,

on the condition that customers have acquired membership of Coke Live and purchase the Promotional Handset on the Coke Live website.

Telstra also proposes to:

- (i) refuse to supply the Promotional Handset at the relevant discounted price; and/or
- (ii) refuse to give or allow a discount on the Promotional Handset,

for the reason that customers have not acquired membership of Coke Live and have not sought to purchase the Promotional Handset on the Coke Live website.

The proposed conduct will be of benefit to the public because it will allow retail customers to purchase the Promotional Handset at a discount.

The proposed conduct will not lessen competition because the retail markets for telecommunications services and products are characterised by a number of competitors and intense competition.

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

Retail customers who are members of Coke Live.

**(b) Number of those persons —**

- (i) At present time: Greater than 50.
- (ii) Estimated within the next year: Greater than 50.

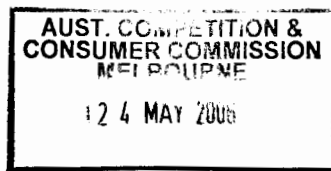
**(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses**

Not applicable.

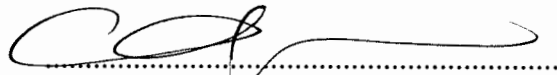
**4 Name and address of person authorized by the person giving this notice to provide additional information in relation to this notice**

Amanda Bodger  
Mallesons Stephen Jaques  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000  
Tel: 9643 4069

Dated 24 May 2006



Signed on behalf of the applicant

  
for Amanda Bodger  
Mallesons Stephen Jaques

## 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 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 authorized 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.