

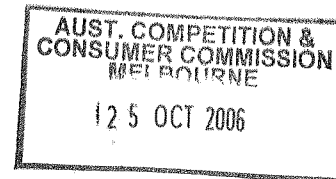
# MALLESONS STEPHEN JAQUES

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

FILE No:
DOC:
MARS/PRISM:

25 October 2006

Caroline Coops  
Partner  
Direct line  
+61 3 9643 4097



Dear Sir/Madam

## Notification of Third Line Forcing Exclusive Dealing

We act for National Australia Bank Limited ("NAB").

We enclose for lodgement an exclusive dealing notification on behalf of Your Managed Communications Pty Limited ("YMC") in relation to arrangements between NAB and YMC, together with a cheque for the applicable lodgement fee of \$100.

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

Yours faithfully

A handwritten signature in cursive script that reads "Mallesons Stephen Jaques".

Encls. 1

**COMMONWEALTH OF AUSTRALIA  
TRADE PRACTICES ACT 1974 - Subsection 93(1)  
EXCLUSIVE DEALING: NOTIFICATION**

**TO THE AUSTRALIAN COMPETITION & 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 engaged or proposes to engage.

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

Your Managed Communications Pty Ltd (ABN 61 095 106 120) ("YMC").

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

YMC provides a range of enterprise communications solutions, including broadband internet services, electronic mail management and archiving services, and virus and spam control services.

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

C/- Caroline Coops  
Mallesons Stephen Jaques  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000

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

Products and services supplied by YMC including broadband internet services, electronic mail management and archiving services, and virus and spam conduct services ("YMC Services").

Products and services supplied by National Australia Bank Limited (ABN 12 004 044 937) of Level 8, 120 Spencer Street, Melbourne ("NAB") including banking services, products and systems, transaction accounts, credit and debit accounts, credit cards and debit cards, transaction and processing services and other credit and debit card related services ("NAB Products").

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

YMC and NAB propose to enter into arrangements pursuant to which YMC proposes to:

- (a) supply or offer to supply a YMC Service on the condition that the customer also acquires or has acquired one or more NAB Products from NAB, and uses the NAB Product(s) to purchase the YMC Service; or
- (b) refuse to supply or refuse to offer to supply a YMC Service for the reason that that the customer has not acquired or has not agreed to acquire one or more NAB Products from NAB or is not using the NAB Product(s) to purchase the YMC Service; or

- (c) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to a YMC Service on the condition that the customer also acquires or has acquired one or more NAB Products from NAB, and uses the NAB Product(s) to purchase the YMC Service.

**Examples of the proposed conduct are set out below**

YMC proposes to offer discounts on the recommended retail price for the supply of the Capturemail for Mailguard service, which is an electronic email management and archiving service, to customers who purchase this service using a NAB Product(s).

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

- reduce costs of business customers who may be otherwise unable to negotiate discounts or other benefits in relation to a YMC Service on their own behalf;
- promote competition in the relevant markets by encouraging competitors to offer similar value added services;
- provide businesses and individual consumers with the opportunity to obtain a YMC Service at discounted rates;
- provide businesses and individual consumers with an opportunity to access a wider range of efficient business related services; and
- provide businesses and individual consumers with greater convenience in dealing with YMC and NAB.

The proposed conduct will not lessen competition in the markets for the relevant products and services as:

- competition in the enterprise communications and banking markets is vigorous and there are many competitors;
- the number of consumers potentially affected by the proposed conduct is insignificant compared to the total number of consumers who acquire banking services including credit and debit card facilities and enterprise communications services;
- consumers will be able to acquire a YMC Service at the usual price without acquiring any services from NAB and vice versa; and
- consumers may acquire the relevant products and services from a range of other suppliers.

The applicant believes that the benefits from the proposed conduct outlined above will outweigh any possible detriment considered to arise from the conduct.

- 3 (a) **Class or classes of persons to which the conduct relates:**  
The public generally.
- (b) **Number of those persons -**  
Not applicable
- (c) **Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses**  
Not applicable

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

Caroline Coops  
Mallesons Stephen Jaques  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000

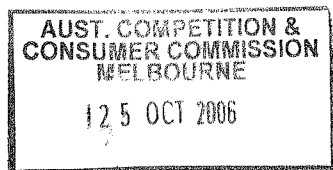
Dated: 25 October 2006

Signed on behalf of the person giving this notice:



Caroline Coops

Solicitor



## 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 the 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.