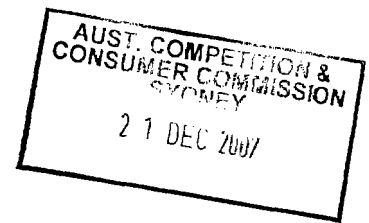


FORM G

Commonwealth of Australia
Trade Practice Act 1974 – subsection 93(1)



NOTIFICATION OF EXCLUSIVE DEALING

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 subsections 47(6) or (7) of that Act in which the person giving notice engages or proposes to engage.

1. Applicant

(a) **Name of persons giving notice:**

N93256

Telstra Corporation Limited (**Telstra**)

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

Provision of telecommunications and information services.

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

c/o – Peter Armitage
Partner
Blake Dawson
Level 35
225 George Street
SYDNEY NSW 2000

2. Notified arrangement

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

Supply of telecommunications goods and services including telephones and modems, fixed line and mobile telephony services and internet access services.

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

Telstra proposes to offer benefits to members of sporting associations (such as the Victorian Country Football League) and members of not for profit and community associations (such as the New South Wales Farmers' Association or affiliated associations) where the relevant association has entered into a joint marketing arrangement with Telstra.

The benefits offered would not exceed the following:

- (i) payment of a contribution towards the membership fees and/or membership renewal fees of the relevant association on behalf of the member; and/or
- (ii) either –
 - (A) the allowance of discounts of up to 10% on telecommunications goods and services supplied to the member by Telstra; or
 - (B) provision of 'bonus' goods or services, to a maximum value of \$150 (including GST).

3. Persons, or classes or persons, affected or likely to be affected by the notified conduct

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

Members of sporting associations not for profit and community associations that have entered into joint marketing arrangements with Telstra.

(b) Number of those persons:

(iii) At present time:

Not know. Associations with which Telstra either currently has joint marketing arrangements or is currently negotiating joint marketing arrangements include the following:

- Adelaide Crows;
- Wollongong Wolves;
- Victorian Country Fire Football League;
- South Australian National Football League;
- Surf Life Saving Australia;
- Geelong Football Club;
- Bendigo Braves;
- Various kindergartens located in North East Victoria
- NSW Farmers Association;
- Victorian Farmers Federation;
- Tasmanian Farmers and Graziers Association; and
- National Rugby League clubs.

(ii) Estimated within the next year:

Not known, but expected to be similar to at the present time.

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

Not applicable.

4. Public benefit claims

- (a) **Arguments in support of notification:**

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

- (iv) provide the associations with which Telstra has joint marketing arrangements with a valuable source of income to support their activities, to the benefit of members and the community as a whole;
- (v) provide members of these associations with discounts on a range of Telstra products and services; and
- promote competition in the provision of telephony and communications services by stimulating competing companies to match or better Telstra's offering.

- (b) **Facts and evidence relied upon in support of these claims:**

Please see attached submission.

5. Market definition

Description of the market(s) in which the goods or services described at 2(a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

The goods and services described at 2(a) may be supplied in a range of markets. Markets that may be affected include the markets in which the following services are supplied:

- fixed voice services;
- mobile telephony services; and
- internet access services.

A wide range of companies compete to provide all of these services in Australia, ranging from multinational telecommunications providers to small resellers of services.

6. Public detriments

- (a) **Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2(a) above and the prices of goods or services in other affected markets:**

No public detriment will arise from the notified conduct, for the following reasons:

- (vi) the proposed conduct will be voluntary. Each product the subject of proposed discounts will be available separately from Telstra and a range of other telecommunications service providers; and
- (vii) the proposed conduct will not prevent competitors from competing effectively. The proposed maximum benefits are modest and competitors will be likely to be able to match or better them.

- (b) **Facts and evidence relevant to these detriments**

Please see attached submission.

7. Further information

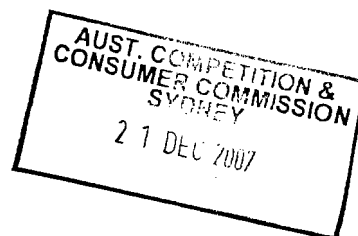
Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Peter Armitage
Partner
Blake Dawson
Level 35
225 George Street
SYDNEY NSW 2000

Telephone: (02) 9258 6119

Facsimile: (02) 9258 6999

Email: peter.armitage@blakedawson.com



Dated: 21 December 2007

Signed by/on behalf of the applicant:

Peter Armitage

Peter James Armitage
Partner
Blake Dawson

EXCLUDED FROM
PUBLIC REGISTER

Annexure 1 - Confidential

Annexure 2

Example of Hutchison Telecoms co-marketing offer with Essendon Football Club



3 Mobile Broadband
Take the internet with you
1GB for \$29
per month over 24 months.

Now with **FREE** USB modem.

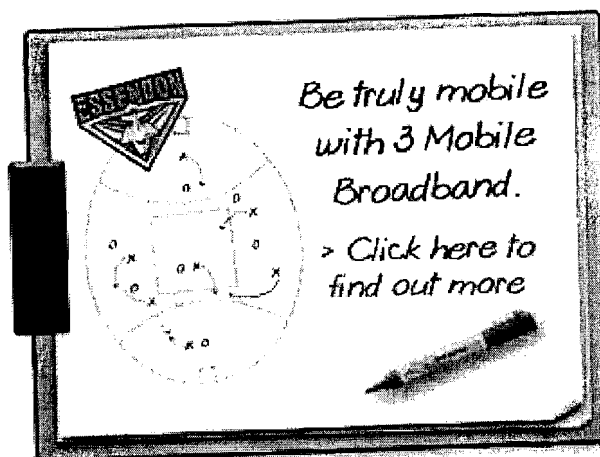
NEW offer!
Available until 31 Dec.

Dear []

[3 Mobile Broadband](#) is a great way for you to keep up with all the latest sporting action and info.

It doesn't matter if you're at home or out and about, it's so simple to stay connected. Just plug the [3 Mobile Broadband USB Modem](#) into your PC or laptop and you're away.

You will be connected anywhere within [3's Broadband Zone](#), keeping you up to date - while on the move!



With a range of exceptional plans to suit all users, 3 Mobile Broadband is offering you an affordable, simple and fast alternative for all your internet needs.

Starting with a huge 1GB for only \$29 per month* plus FREE USB Modem (over 24 months), there is a plan for everyone. Check out our [Usage Calculator](#) and find out which plan is best suited to you.

If you are looking for a fast way to get a great connection - or even upgrade your current plan to a faster and more affordable one - simply visit the [3 Mobile Broadband website](#) and get connected today!

Buy online and receive a bonus Essendon FC backpack+. Quote promotional code ESS3MB when ordering online, but hurry stocks are limited to the first 300 approved 3 Mobile Broadband customers.

All the best
The 3 Team



Terms and Conditions

* Total min cost over 24 months is \$696 (\$29/1GB plan). If service is disconnected within 24 months, \$20 a month is payable for the remaining months of contract terms and you must pay all outstanding charges.

General conditions: Within 3's Broadband Zone additional usage above the 3 Broadband Zone allowance is charged at 10 cents per MB. 3 Broadband Zone allowance includes combined upload and download data transfer. Included data expires each month. National roaming (on GPRS included within 3's Broadband Zone) is charged separately. Each plan includes a national roaming allowance (2MB with \$29 plan) and additional usage above the national roaming allowance is charged at the rate of \$1.65 per MB. Broadcast SMS facility available on Mobile Broadband Card/USB Modem when using laptop with a Windows operating system. SMS charged at 15c per address. Per MB pricing is charged per KB.

- Offer only available when ordering 3 Mobile Broadband online. Essendon FC backpack (RRP \$9.95) shipped separately to the 3 Mobile Broadband USB Modem or 3 Mobile Broadband Card. Subject to availability while stocks last.

If you no longer wish to receive these sorts of emails from the club, please click on the following link to unsubscribe your email address:

<http://www.essendonfc.com.au/account/unsubscribe.asp>

Email sent by: Essendon Football Club, Napier Street, Essendon, Vic 3040. Phone: +61 3 9230 0300.