



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2007/1333
Contact Officer: Gavin Jones
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9 July 2007

Ms Sarah Goddard-Jones
Executive Manager, Group Compliance
Commonwealth Bank
Level 8
48 Martin Place
SYDNEY NSW 1155

Dear Ms Goddard-Jones

**Third line forcing Notifications N92973 to N92977 –
Commonwealth Bank of Australia, Optus Mobile Pty Ltd,
Optus Internet Pty Ltd, Clive Peters Limited and Sanity Music Stores Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (ACCC) on 20 June 2007 and 22 June 2007. The notifications have been placed on the ACCC's public register.

The notified conduct can be described as:

- the Commonwealth Bank of Australia (CBA) offering members of its loyalty program (the awards program) bonus points and other non cash benefits where specified goods and services and specified packages of goods and services offered by the awards programs bonus partners (Optus Mobile Pty Ltd, Optus Internet Pty Ltd, Clive Peters Limited and Sanity Music Stores Pty Ltd) are purchased in full or part by a member using the members credit card linked to the program; and
- the bonus partners proposing to give or allow, or offer to give or allow, a discount or allowance in relation to the supply of products or services, or to supply or to offer to supply the goods or services at a particular price, or to supply or offer to supply particular goods, services or benefits in relation to the supply of the products or services, on the condition that the person is either a member, or that the member acquires the goods and services in full or part by using the members credit card linked to the awards program.



The notification form G in respect of the notifications, received by the ACCC on 20 June 2007, was accompanied by a lodgement fee of \$300. A further lodgement fee of \$200 was received on 22 June 2007. As you may be aware, an exclusive dealing notification is not validly lodged until the ACCC receives the appropriate lodgement fee.

The ACCC has attributed the \$300 lodgement fee received on 20 June 2007 to the first three parties named on the form G, the CBA (N92973), Optus Mobile Pty Ltd (N92974), and Optus Internet Pty Ltd (N92975). The ACCC considers the notifications lodged by these parties to be validly lodged as of 20 June 2007. The further lodgement fee of \$200, received by the ACCC on 22 June 2007, was attributed to the last two parties named on the form G, Clive Peters (N92976) and Sanity Music (N92977). The ACCC considers the notifications sought to be lodged by these parties to be validly lodged as of 22 June 2007.

Legal immunity conferred by notifications N92973 to N92975 commenced on 4 July 2007. Legal immunity conferred by notifications N92976 and N92977 commenced on 6 July 2007.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by these notifications at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Gavin Jones on 03 9290 1475.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Gregson', written over a large, faint, oval-shaped watermark or ghost signature.

Scott Gregson
General Manager
Adjudication Branch