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Our ref SHS:0230526

AUST. COMPETITION &
CONSUMER COMMISSION
SYDNEY
14 AUG 2007



LAWYERS

14 August 2007

By hand

Scott Gregson
General Manager, Adjudication
Australian Competition & Consumer Commission
c/- Level 7, Angel Place
123 Pitt Street
Sydney NSW 2000

FILE No:
DOC:
MARS/PRISM:

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Dear Mr Gregson

Notification of third line forcing

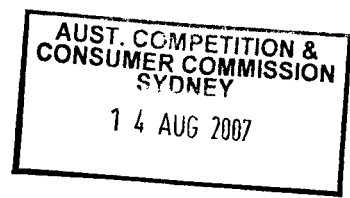
We enclose a notification in relation to third line forcing on behalf of Vodafone Pty Limited (ACN 062 954 554). This notification is made under s 93(1) of the *Trade Practices Act 1974*.

Also enclosed is a cheque for \$100 being the required filing fee.

Please contact me if you require any further information.

Yours sincerely

Simon Snow
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FORM G

Commonwealth of Australia

Trade Practices Act 1974 — subsection 93 (1)

NOTIFICATION OF EXCLUSIVE DEALING

(regulation 71)

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 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

Please follow directions on back of this form

1 Applicant

(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 Notified arrangement

(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/or peripherals.

(b) Description of the conduct or proposed conduct:

See Attachment A.

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

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

Persons who acquire Hewlett-Packard Australia Pty Ltd ACN 004 394 763 computer equipment and/or peripherals from participating retailers and/or resellers.

(b) Number of those persons:

(i) At present time: unknown, but substantially greater than 50.

- (ii) Estimated within the next year: unknown, but substantially 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 Public benefit claims

- (a) Arguments in support of notification:

See Attachment A.

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

See Attachment A.

5 Market definition

Provide a 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):

See Attachment A.

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:

See Attachment A.

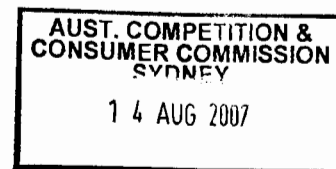
- (b) Facts and evidence relevant to these detriments:

See Attachment A.

7 Further information


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

Simon Snow
Partner, Gilbert + Tobin
Level 37, 2 Park Street
Sydney NSW 2000
T +61 2 9263 4246



Dated 14 August 2007

Signed by/on behalf of the applicant


.....

Simon Snow
Gilbert + Tobin
Partner

Directions

- 1 In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

- 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 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 section 47 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 Describe the business or consumers likely to be affected by the conduct.
- 6 State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
- 7 Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
- 8 Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
- 9 Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.

ATTACHMENT A

1 Notifying party

Vodafone Pty Limited (ACN 062 954 554)

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

2 Description of proposed conduct

Vodafone proposes to offer customers a discount off the price of nominated Vodafone services, including mobile telecommunications goods and services, on the condition that the customer acquires, or has acquired, nominated Hewlett-Packard Australia Pty Ltd (ACN 004 394 763) (**HP**) computer equipment and/or peripherals from participating retailers and/or resellers.

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 in accordance with the particular offer;
- (b) details of the HP computer equipment and/or peripherals that the particular offer relates to; and
- (c) the period during which the offer will be available.

For example, the proposed conduct would include, but would not be limited to, Vodafone offering 2 months free mobile broadband to customers who connect to a 24 month 1 GB Data Bundle with Vodafone (**the Data Bundle**) on the condition that the customer acquires, or has acquired, an HP 6710b notebook computer between late August and October 2007.

The Data Bundle allows users to connect to the internet through Vodafone's 3G broadband (HSDPA) or GPRS (General Pack Radio Service) network.

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

3 Public benefits/public detriments

The proposed conduct will generate public benefits as it will:

- provide customers with substantial savings on the cost of Vodafone telecommunications goods and services; and
- 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 HP computer equipment or peripherals; and
- the customer is free at all times to acquire telecommunications goods and services from a wide range of other suppliers.

Vodafone's proposed conduct provides a tangible benefit to customers and will not lessen competition. Further, it causes no detriment to customers or to any competitor of Vodafone beyond legitimate competitive conduct.

4 Markets affected

The relevant markets in which to consider Vodafone's proposed conduct are the markets in which mobile telecommunications goods and services and computer equipment and/or peripherals are supplied.