



**Australian  
Competition &  
Consumer  
Commission**

GPO Box 3131  
Canberra ACT 2601

23 Marcus Clarke Street  
Canberra ACT 2601

tel: (02) 6243 1111  
fax: (02) 6243 1199

[www.accc.gov.au](http://www.accc.gov.au)

Our Ref: C2007/2068; C2007/2236  
Contact Officer: Susan Philp  
Contact Number: (02) 6243 1347

27 February 2008

Scott Buchanan  
Director  
Buchanan Law  
Level 3, 54 Marcus Clarke Street  
Canberra ACT 2601

Dear Mr Buchanan

**Notifications N93197 and N 93235 submitted by MIBroadband Pty Ltd (Engin)**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 1 November and 28 November 2007 respectively in relation to conduct that may be third line forcing. The notifications have been placed on the ACCC's public register.

The arrangements subject matter of N93197 require Engin's Appointed Dealers to only obtain their required Engin Hardware from those entities which have previously been authorised by Engin to act as an Authorised Distributor.

The arrangements subject matter of N93235 involve the offer of a rebate to Derni Pty Ltd (trading as Harvey Norman) on the purchase of Engin Hardware on condition that Derni purchases the Engin Hardware Product (Voice Box 3102) from a nominated Authorised Distributor.

Legal immunity conferred by the notifications commenced on 15 November and 12 December 2007 respectively.

Having considered the information provided by Engin it is not intended that further action be taken in respect of the notifications at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the 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.

Your assistance in this matter has been appreciated, if you wish to discuss any aspect of this matter, please do not hesitate to contact Susan Philp on 02 6243 1347.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', written in a cursive style.

David Hatfield  
A/g General Manager  
Adjudication Branch