



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2008/59  
Contact Officer: Gavin Jones  
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4 January 2008

Sarah Goddard-Jones  
Executive Manager, Regulatory Policy  
Group Compliance – Group Risk Management  
Commonwealth Bank of Australia  
Level 8, 48 Martin Place  
SYDNEY NSW 2000

Dear Ms Goddard-Jones

**Third line forcing notifications N93258 & N93259 –  
Commonwealth Bank of Australia & Dell Australia Pty limited**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (ACCC) on 20 December 2007 and 27 December 2007 respectively. The notifications have been placed on the ACCC's public register.

You have described the conduct the subject of the notification lodged by the Commonwealth Bank as cardholders being offered through the Commonwealth Banks rewards program newsletter and collateral marketing material, non-cash benefits (for example, the right to enter into a trade promotion, and the provision of additional goods or services at a discount price or without charge) where specific goods or services and specific packages of goods and services offered by Dell are purchased in full or part by a cardholder using the cardholders credit card linked to the rewards program.

Legal immunity conferred by the notification lodged by the Commonwealth Bank commenced on 3 January 2008.

You have described the conduct the subject of the notification lodged by Dell as Dell proposing to give or, allow, or offer to give or allow, a discount or allowance in relation to the supply of products and services, or to supply or 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 a person is either a cardholder, or that the cardholder acquires goods or services in full or in part by using the cardholder's credit card linked to the rewards program.

Legal immunity conferred by the notification lodged by Dell will commence on 10 January 2008.

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, consisting of a stylized 'S' followed by a horizontal line that loops back to the right.

Scott Gregson  
General Manager  
Adjudication Branch